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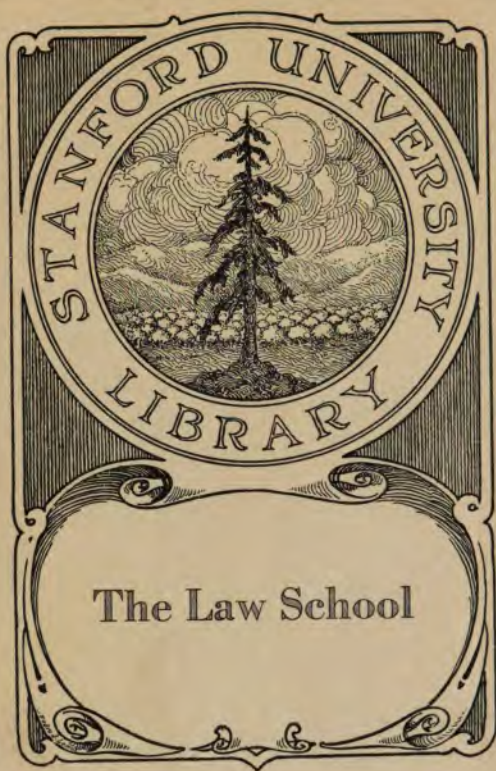
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Tennessee Collection



ACTS
OF THE
STATE OF TENNESSEE,
PASSED AT THE
FIRST SESSION
OF THE
TWENTY-SEVENTH GENERAL ASSEMBLY,
FOR THE YEARS
1847-8.

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ACTS

OF THE

GENERAL ASSEMBLY

OF THE STATE OF TENNESSEE,

PASSED AT THE FIRST SESSION OF THE TWENTY-SEVENTH GENERAL ASSEMBLY, WHICH WAS BEGUN AND HELD AT NASHVILLE ON MONDAY, THE FOURTH DAY OF OCTOBER, IN THE YEAR ONE THOUSAND EIGHT HUNDRED AND FORTY-SEVEN.

CHAPTER I.

An Act to Charter the Springfield and Kentucky Turnpike Company.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That James Woodard, Vincent Williams, Tyler Edwards, John M. Pope, Henry Hart, James Sprouse, Bayless Randolph, R. E. Hughes, R. H. Alley, Henry Frey, John S. Hutchison, D. P. Braden, David Henry, B. W. Miniss, Doct. Thomas Miniss, Doct. R. H. Hicks, G. B. Mason, D. M. Wells, Esq., and Col. George W. Morris, all of the county of Robertson, be and they are hereby incorporated, for the purpose of constructing a Turnpike-road from the top of the Ridge, in Davidson county, to the Kentucky line, by the way of Springfield, in Robertson county, under the name and style of the Springfield and Kentucky Turnpike Company, to exist as a body politic and corporate, for the term of ninety-nine years.

SEC. 2. *Be it enacted,* That the persons mentioned in the first section of this act, be, and they are hereby authorized to open books for the subscription of stock to build said road, in shares of twenty-five dollars, to be paid in labor or money, as said company may order. Stock paid in labor.

SEC. 3. *Be it enacted,* That the said company may commence the construction of said road when the sum

of five thousand dollars is subscribed; and they shall have power and authority to open a gate, so soon as five miles thereof is or may be completed, and for every additional five miles said company may complete of said road, they may open a gate and charge the same rate of toll as is now charged on the White's creek Turnpike road; said road to be of the same width, and finished after the same manner that the White's creek road is; but said company may use gravel, or rock, in the construction thereof, at their option.

Tolls.

SEC. 4. *Be it enacted*, That the persons whose names are mentioned in the first section of this act, shall after the sum of five thousand dollars shall have been subscribed, and before they shall have commenced the construction of said road, elect from their own body a President, Secretary and Treasurer for said company, who shall hold their office for one year, and shall receive such pay as said company may allow.

Officers.

SEC. 5. *Be it enacted*, That when said company is organized as provided in the fourth section of this act, they shall have power to pass all rules and by-laws necessary for their regulation, so that the same are not inconsistent with the constitution and laws of this State.

By-laws.

SEC. 6. *Be it enacted*, That said company may sue and be sued, plead and be impleaded by their corporate name; and service of process on the President of said company shall be sufficient to compel the appearance of said company in any suit or action.

Liability.

SEC. 7. *Be it enacted*, That said company shall have five years in which to complete said road from and after the passage of this act.

When to be completed.

SEC. 8. *Be it enacted*, That said company may make and use a seal, and may pass by-laws, regulating the manner of transferring the stock in said company, as well as for the regulation of said company in all other respects.

Seal.

F. BUCHANAN,

Speaker of the House of Representatives.

J. M. ANDERSON,

Speaker of the Senate.

Passed 29th October, 1847.

CHAPTER II.

An Act to incorporate the Tennessee Annual Conference Relief Fund of the Methodist Episcopal Church South, and also to incorporate the Trustees of the Memphis Annual Conference Relief Fund.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That William R. Elliston, Isaac Paul, Rev. John B. McFerrin, Joel M. Smith, and Doct. Robert Martin, be, and they are hereby constituted a body corporate and politic in deed and in law, by the name and style of the Trustees of the Tennessee Annual Conference Relief Fund, and by that name and style shall have power to make, keep and use a common seal, and the same to break, alter and amend at their pleasure, to sue and be sued, plead and be impleaded, to complain and be complained against, to answer and be answered unto in any species of action, or suit at law or in equity, to receive donations and make purchases of property, both personal and real, and the same to hold to themselves and their successors in office, not exceeding the value of two hundred thousand dollars, the net profits whereof shall be appropriated to the aid of the deficient, supernumerary, superannuated and worn out preachers, and to the wives and children, widows and orphans of such preachers, belonging to said Annual Conference forever, and to no other purpose whatever.

Incorporation.

SEC. 2. *Be it enacted,* That said Trustees shall hold their first meeting on the 6th day of November next, at Murfreesborough, (that being the place of meeting of said Annual Conference,) and annually thereafter at such place and time as shall be appointed for the meeting of said Conference. At said first meeting, said Trustees shall elect out of their body a President and Secretary, who shall hold their office one year, and until their successors are duly elected; the said Conference shall at the same time appoint one of said Trustees Treasurer of said Board of Trustees, who shall hold his office one year. Said Board of Trustees shall, at their organization, adopt such by-laws, and alter and amend the same from time to time for their government and the management of said fund as they may think proper, not inconsistent with, or repugnant to the constitution and laws of the United States, nor of the rules and by-laws made for the government of said Annual Conference. The President, if present, shall preside at all meetings, give the casting vote, and in extraordinary cases call meetings. Any three of said trustees shall form a quorum for the transaction of all business, except

Place of meeting.

Election of Officers.

By-laws.

the enactment of by-laws, for which purpose a majority of the whole shall be required.

Vacancies.

SEC. 3. *Be it enacted*, That all vacancies in said Board of Trustees shall be filled by a majority thereof, but such appointment shall continue only until the next annual meeting of said Conference, who shall make permanent appointments from members of the said church; and when any person so appointed trustee shall cease to be a member thereof, his office of trustee shall cease, and another member of said church shall be appointed in his place. Said Trustees shall report annually to said Conference, the true state, condition and value of the funds and property belonging to them, and shall hand over to their successors in office all books, papers and other things pertaining thereto, and for default herein, or in case of any malfeasance in their office, they shall be responsible as in other cases.

Memphis Relief Fund,

Powers and Privileges.

SEC. 4. *Be it further enacted*, That Milton Brown, James Meriwether, Lewis P. Williamson, J. C. Atkinson and John T. Baskerville, be, and they are hereby, with their successors in office, constituted a body corporate and politic, by the name and style of the "Trustees of the Memphis Annual Conference Relief Fund," and by that name and style shall have all the powers, rights and privileges, and be subject to the same restrictions as are contained in the above act in reference to the "Trustees of the Tennessee Annual Conference Relief Fund," and shall have and possess like power to raise donations and make purchases of property, real and personal, and the power in like manner to hold not exceeding a like sum, the net profits whereof shall be appropriated to the aid of the deficient, supernumerary, superannuated and worn out preachers, and to the wives and children, widows and orphans of such preachers, belonging to the said Memphis Annual Conference of the Methodist Episcopal Church South forever, and to no other purpose whatever.

Place of meeting.

SEC. 5. *Be it enacted*, That said Trustees shall hold their first meeting at the time and place of the session of the next Memphis Annual Conference, and annually thereafter at such time and place as shall be appointed for said Conference, and shall and may make and elect like officers, for like terms, and with like powers as are given in the act to the said "Trustees of the Tennessee Annual Conference Relief Fund," and that vacancies shall in like manner be filled, and said institution and its property and funds shall be governed in all things in the same way and manner, and with like powers on the part of said Trustees, who shall be subject to the like

duties and liabilities, and required to account to said Memphis Conference as are the Trustees of the said "Tennessee Annual Conference Relief Fund." *Provided*, That the Trustees of each of said Institutions shall and may make, and be governed by such separate by-laws and rules, as each in their discretion shall deem proper, within the limits and powers contained in this charter.

By-laws.

F. BUCHANAN,

Speaker of the House of Representatives.

J. M. ANDERSON,

Speaker of the Senate.

Passed, October 29, 1847.

CHAPTER III.

An Act to amend and extend the provisions of the charter of incorporation of the town of Clarksville.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the fourteenth section of an act entitled "an act to incorporate the town of Clarksville," passed February 2d, 1846, be, and the same is hereby repealed.

Repeal.

SEC. 2. *Be it enacted*, That a Treasurer for said corporation, shall be elected by the Mayor and Aldermen, and shall continue in office one year, and the Mayor and Aldermen may require of the Treasurer, Recorder and Town Constable, such bond and security, for the faithful performance of the duties of their office, as may be deemed necessary and proper.

Treasurer.

SEC. 3. Said corporation, in addition to the powers heretofore vested in them, shall have power and authority to provide for licensing and regulating auctions, dry goods, grocery, and receiving and forwarding houses, drays, wagons and hackney coaches, within the town, to restrain the erection of buildings dangerous to other improvements, and to remove such as in the opinion of the Mayor and Aldermen, are dangerous and hazardous to the neighborhood or buildings adjacent thereto, on paying to the owners the value thereof, in the same manner as provided for by an act passed 23d November, 1836, in like case for the city of Nashville, and to pass all laws necessary for the preservation of peace and good order within said town, not inconsistent with the constitution and laws of the State.

Powers.

SEC. 4. At the next election for Mayor and Aldermen of said town, the qualified voters for said officers shall, if they are in favor of the erections of bridges over Red river at the expense of said corporation, as hereinafter provided, write upon their tickets "Bridge tax," and if opposed to said Bridges "No Bridge tax," and if it shall appear that a majority of the voters of the town are in favor of the erection of such bridge, the Mayor and Aldermen shall have the further powers granted in section 5th of this act.

SEC. 5. The Mayor and Aldermen may, at their election, purchase on behalf of the corporation, the bridges already erected across Red river on the Russellville and Hopkinsville roads, or erect at convenient places two new bridges over said river, to be under the control and management of said Mayor and Aldermen, and to be free to such passengers, wagons, or other vehicles as they may from time to time direct. To raise a fund for the purpose of making said purchases or building said bridges the said Mayor and Aldermen, shall have power in addition to the general taxes for corporation purposes already authorized, to levy the following taxes, which shall be collected as other corporation taxes, and held and used for the purposes above specified and no other, viz: on real and personal taxable property in said town, a tax not exceeding one-half of one per cent, on polls a farther tax not exceeding one dollar, on all privileges a further tax not exceeding ten dollars on each person exercising such privileges in said town, and upon hired negroes a further tax not exceeding one-half of one per cent on the amount of the hire. The said Mayor and Aldermen shall also have power, should it be necessary, to issue bonds based upon the "Bridge tax," viz: the additional tax authorized to be levied by this section.

SEC. 6. The power and authority to levy the taxes mentioned in the 5th section of this act, shall cease at the expiration of ten years from the passage of this act.

F. BUCHANAN,

Speaker of the House of Representatives.

J. M. ANDERSON,

Speaker of the Senate.

Passed, November 15, 1847.

CHAPTER IV.

An Act to fix the time of holding the Circuit Courts in and for the county of Hancock, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That from and after the first day of January, 1848, the Circuit Court of Hancock county shall be begun and holden on the first Mondays after the fourth Mondays in January, May, and September, in each and every year. When held.

SEC. 2. *Be it further enacted*, That all writs or other process, now returnable to the next Circuit Court of said county, be and the same are hereby made returnable on the first Monday after the fourth Monday in January next, in as full and ample a manner as though the time was set forth in said process; and all defendants, in criminal cases, shall be bound to appear and answer the State upon their recognizances at the time last aforesaid, as if they had been specially bound to appear at said time; and all suits and causes, for trial at the next term of said court in said county, by the present law, shall be for trial at the time first fixed in this act; and process hereafter issued, shall bear test, and be made returnable as in this act directed. Criminal cases.

SEC. 3. *Be it further enacted*, That the sittings of the Chancery Court at Lawrenceburg, after the next term thereof, shall be held on the fourth Mondays in May and November, and that all process issued, or to be issued, shall be returnable accordingly, and shall be deemed and held conformable to law, and the rules of said court, in as full a manner as if otherwise returnable and returned. Chancery.
Court at Lawrenceburg.

F. BUCHANAN,

Speaker of the House of Representatives.

J. M. ANDERSON,

Speaker of the Senate.

Passed, 5th November, 1847.

CHAPTER V.

An Act to authorize the relinquishment or sale of the upper Red River Bridge and Bridge site on behalf of the State to the corporation of the town of Clarksville.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Commissioners on behalf of

Relinquish-
ment of States
interest.

the State, of the Clarksville and Russellville Turnpike road, be, and they are hereby authorized to transfer and relinquish forever to the corporation of the town of Clarksville, in Montgomery county, Tennessee, all the right, title, and interest which the said State of Tennessee may have in and to the Bridge, and the site of said Bridge across Red river, where the said Turnpike road crosses said river, *upon condition* that said corporation of the town of Clarksville build or cause to be built, upon said site, a new and substantial free bridge, and keep the same or cause it to be kept in good repair.

Consideration
therefor.

SEC. 2. *Be it further enacted*, That the said commissioners, if they shall deem it just, and due to the interests of the State, to require further and additional consideration for such transfer and relinquishment of the said Bridge and Bridge site above mentioned, shall be authorized to exact and receive on behalf of the State, such additional consideration, as justice to the interest of the State, may, in their good judgment and discretion require.

F. BUCHANAN,

Speaker of the House of Representatives.

J. M. ANDERSON,

Speaker of the Senate.

Passed, November 16, 1847.

CHAPTER VI.

An Act to incorporate the Literary Institution founded by Isaac Franklin.

Provisions of
Will.

Whereas, The late Isaac Franklin, of Sumner county, in his last will and testament, made and published on the twenty-fourth of May, in the year eighteen hundred and forty-one, gave and bequeathed all his property, real and personal, of whatever kind or nature, situated in the States of Tennessee and Mississippi, or any other common law state, where trust estates can be created, together with his bank stock, and effects and credits; and an undivided one third part of all his property, moveable and immoveable, slaves, &c., situated in the State of Louisiana, and also, all the rest and residue of his estate, wherever situated—in trust to his brothers, James Franklin and William Franklin, of Sumner county, to lay out the revenues and dividends thence arising, in building proper and suitable edifices on his Fairvue plantation in the county of Sumner, for an Academy or

Seminary, in furnishing the same with fixtures and furniture, and in employing and paying such Teachers and Professors, male and female, as may be considered necessary by the said Trustees, for the education, board and clothing of the children of his brothers and sisters, and their descendants, as well as his own children, and their descendants, in the best and most suitable and proper manner for American youths, having a particular regard to a substantial and good English education, and such other higher and ornamental branches as the aforesaid revenues, &c., may enable his said Trustees to accomplish; and if said revenues should be sufficient, then also, for the education and support of the poor children in said county of Sumner, of unexceptionable character, and such as said Trustees may select. And, *whereas*, an opinion has been expressed by counsel in Louisiana, that this donation probably conflicts with the legitimate position of the testator's estate secured by the laws of that State to his children, and that the courts thereof would, it may be, reduce said donation to what is, by said laws, the disposable quantum, whereby said donation would be considerably diminished; and said donation perhaps conflicts, in other respects, with the legal rights of the widow and children and their heirs; and these doubts may be resolved, in such manner as to bind all persons interested, by an adjudication in Louisiana under the advice of a family meeting: And, *whereas*, besides this cause of delay to the immediate taking effect of the said donation, the whole of the testator's property, including the part of it thus given, is in and by said last will and testament, charged with and subject to, the payment of the testator's debts; also, with the payment to his wife, during her widowhood, of such annual sums of money as she may deem necessary to the support of herself and the testator's children, and their education; and his wife is to have the possession and use, during her widowhood, of all the property of his said plantation and estate called Fairvue in Sumner county, as a residence for and during said time, together with the use and benefit, for said time, of the dwelling house, out-houses, buildings, fixtures, lands, gardens, improvements and slaves belonging to said plantation, with the cattle, horses, mules, sheep and other stock, carriages, personal property, &c. &c.; and in case of the second marriage of his wife, his said estate, in lieu of the aforesaid annual sums, is charged with the payment to her of the sum of one hundred thousand dollars, or, at her election, the sum of six thousand dollars annually during her life, the payment of either to be in full for her rights of

Provisions of
Will.

dower or any other rights that she may have on the testator's estate; and the revenues of said Fairvue estate in case of a second or subsequent marriage of the testator's wife, are charged with the education and support of the testator's children, until the youngest becomes of age or marries; and said estate is further charged with the payment of certain pecuniary legacies, in and by said last will and testament given to various persons, amounting to twenty three thousand dollars; also with the expense of building a tomb and family vault on said Fairvue plantation in Sumner county; also, with the purchase, out of the revenues of the testator's Louisiana plantations, his Tennessee plantations, the dividends of his bank stock, and interest on debts due him, of slaves to be placed on his three plantations in Louisiana already opened at the date of his will, as the said slaves might be wanted; also, with the expense of opening and of placing slaves and building negro quarters on three new plantations on the Mississippi river to be called the Angora, Loanga and Panola plantations; and also, with the expense of cultivating said plantations, and of making thereon divers ameliorations and improvements; and perhaps with other expenditures not herein recited: And *whereas*, the time when said Academy or Seminary can be put into actual operation is indefinite, and dependent upon the extinguishment of said several charges upon the estate and the solution of the aforesaid doubts respecting the construction and operation of said will, and the adjudication, renunciation or other settlement of the rights of the several claimants of said property by the will or by the law; and it is represented to this General Assembly, that for the purpose of organizing and putting in early operation the Academy or Seminary aforesaid, the executors of the said Isaac Franklin, and his wife, and the tutrix, family and friends of his only surviving child are ready and willing to make any practicable and legal compromise and arrangement of their several claims, interests, rights and titles in and to said property, and to relinquish and renounce for an adequate compensation, the said claims and interests, rights and titles in and to the said Fairvue plantation, its slaves, stock and appurtenances, houses, outhouses, lands, &c., to William Franklin, the surviving Trustee of said Academy or Seminary.

Now, in order to enable said parties to effectuate their said intention, so far as the Legislature possesses power in the premises—*Be it enacted by the General Assembly of the State of Tennessee*, as follows:—

1. The Literary institution founded in and by said

last will and testament is hereby created a body politic and corporate by the name of the Isaac Franklin Institute. Incorporation.

2. Said Corporation shall have succession for five hundred years, a seal, authority to make statutes for its regulation, the same power of conferring degrees as is possessed by any literary institution in the State, the faculty of suing and being sued in any judicature in the country, and the power of acquiring and holding for the purposes of its creation, property real and personal. Power, &c.

3. All the powers hereby granted shall, during the life of the said William Franklin, the surviving trustee of the testator, be vested in said surviving trustee; and after his death, in three trustees to be named in his will, or by deed executed in his life time and their successors to be appointed by the Magistrates of the County Court of Sumner county, which magistrates are created in the said last will and testament of the said Isaac Franklin, Perpetual Superintendents of said Seminary or Academy. And in case said William Franklin shall omit to nominate trustees to succeed him, or those nominated by him, or any of them, should refuse to act, the said Magistrates are hereby empowered to fill such vacancy or supply such omission. Trustee.

4. Said trustee and his successors may make with the executors, with the widow, and with the surviving child of said testator, and with all other persons having or claiming any interest in the property given to said Seminary or Academy, any agreement, contract, compromise or arrangement, which may be legal and practicable, or which may be authorized by legal adjudication, under the advice of a family meeting in Louisiana or elsewhere, in order to extinguish all the charges upon the same, or claims, rights, or titles thereto of whatever nature or degree which, by said last will and testament, and the law of the State where the property may be situated, must be satisfied before the revenues of the said property can be devoted to the uses of said Seminary or Academy. And for the same purpose, said trustee and his successors may institute and prosecute any suit or suits in law or equity, which may be deemed necessary or proper, to enable him and them to perform the trusts committed to said trustee by said testator. Power of Trustee.

5. And said Trustee and his successors may appropriate any sum or sums of money, which the executors of said testator may pay him or them as part of the said Academy or Seminary fund, to the extinguishment of claims. Extinguishment of claims.

ment and satisfaction of all the aforesaid claims, interests, rights and titles, or any other claims, interests, rights and titles, in, to and upon the property so given to said Academy or Seminary, in order that the same may go into immediate operation.

Conversion of
property.

6. Said Trustee, and his successors, may, with the consent of the Perpetual Superintendents of said Academy or Seminary, apply to the Court of Chancery, or other court having jurisdiction of trusts, for leave and authority to convert the real and personal property so given to said Institution, or any part of it, into cash, and for direction as to the manner in which the proceeds thereof, after such conversion, shall be re-invested.

Free from
taxation.

7. The property given in and by said last will to said Literary Institution, and all property real and personal, which said corporation may acquire and devote to said Institution, shall be free from taxation forever.

8. The faculty and students of said Institution shall be exempt from militia duty and from jury service.

F. BUCHANAN,

Speaker of the House of Representatives.

J. M. ANDERSON,

Speaker of the Senate.

Passed, 1st December, 1847.

CHAPTER VII.

An Act to incorporate the town of Camden, in the county of Benton, and the inhabitants thereof.

Incorporation.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the town of Camden, in the county of Benton, and the inhabitants thereof, are hereby incorporated, by the name and style of the Mayor and Aldermen of the town of Camden, and shall have perpetual succession, and by their corporate name, sue and be sued, plead and be impleaded, grant, receive, purchase and hold real, personal, and mixed property, or dispose of the same for the benefit of said town, and may have and use a town seal.

Corporate
limits.

SEC. 2. *Be it enacted,* That the corporate limits of the town of Camden shall include the original plan of said town, as laid off in the years 1836 and 7, and the same is hereby extended so as to include three lots situated on the east boundary line of said town, beginning on the south-east corner and running fifteen poles east, thence

north forty-five poles, thence west fifteen poles to the original boundary line of said town.

SEC. 3. *Be it enacted*, That the corporation aforesaid shall have power and authority to enact such laws and ordinances necessary and proper to preserve the health of the town—prevent and remove nuisances—to establish night-watches and patrols—to ascertain, when necessary, the boundary and location of streets, lots, and alleys—to establish new streets, lanes, and alleys, with the consent of the proprietors of the lots and houses adjoining such streets, lanes, and alleys—to provide for licensing and regulating auctions—to restrain and prohibit gaming—to provide for licensing, taxing, regulating or restraining theatrical or other public amusements and shows, within the corporate limits of the town—to pave, and keep in repair the streets, and to pass all laws necessary for the same—to erect and regulate markets—to appoint a Recorder, Treasurer, and Town Constable—to provide for the organization and regulation of Fire Companies, and the sweeping of chimneys—to procure water by digging wells, or otherwise—to erect and regulate pumps in the streets—to restrain tippling houses, and to pass all laws necessary for the regulation of the same—to impose and appropriate fines, penalties, and forfeitures, for the breach of the by-laws, and ordinances—to lay and collect taxes, for the purpose of carrying the necessary measures and powers herein granted into operation, for the benefit of said town, and to pass all laws and ordinances, necessary and proper to carry the intent and meaning of this act into effect, *provided* they are not incompatible with the constitution and laws of this State.

Power, &c.

SEC. 4. *Be it enacted*, That the laws and ordinances of said corporation shall be, in no wise, obligatory upon the persons or property of non-residents of said town, being citizens of this State, unless in case of intentional violation of by-laws or ordinances previously promulgated; *Provided*, nevertheless, that the property of such non-residents shall be taxed as other property in said town.

Non-residents.

SEC. 5. *Be it enacted*, That all fines, penalties, and forfeitures, imposed by the by-laws and ordinances of said corporation, shall be sued for and recovered, as other monies are, under the existing laws of the State, by the Mayor and Aldermen of said corporation, and for the use of said town.

Fines, Penalties, &c.

SEC. 6. *Be it enacted*, That the Sheriff of Benton county, by himself or deputy, shall hold an election on the second Thursday in January, 1848, in the town of

Election of Aldermen.

Camden, and on the second Thursday of January in each and every year thereafter, for the purpose of electing seven persons to serve as Aldermen for the corporation of said town, for one year commencing on the Monday next succeeding the day of election; and all persons owning a freehold in said town, who would be qualified to vote for members of the General Assembly, shall be entitled to vote for Aldermen, and no person shall be eligible to the appointment of Alderman, unless he is a freeholder and citizen of said town.

Mayor.

SEC. 7. *Be it enacted*, That the seven persons, qualified as aforesaid, having the highest number of votes, at an election held as aforesaid, shall be taken to be duly elected; and the Sheriff of said county of Benton, shall, within two days thereafter, give each of the seven Aldermen elected, a certificate of his election; and it shall be the duty of the persons so elected, to meet on the next succeeding Monday in said town, any number not less than five shall be a quorum, and they shall then proceed to elect by ballot, one of their own number, to be Mayor of said Corporation, for the time for which the Aldermen were elected as aforesaid; and when any Mayor of said Corporation shall die, remove out of said town, or resign, another election shall be made by the Aldermen, in the manner aforesaid, of another person, for the time then unexpired, and until the next general election of Aldermen, and when any Alderman shall die, remove, or resign, such vacancy may be filled by the Mayor and Aldermen of said town, at any regular meeting, and the person or persons so appointed, shall serve until the next election.

Recorder,
Treasurer and
Constable.

SEC. 8. *Be it enacted*, That the Recorder, Treasurer, and Constable, appointed by said Corporation, shall continue in office during the term of service of the Mayor and Aldermen, by whom they are appointed, but may be removed from office by a majority of the Mayor and Aldermen, at any regular meeting; and they shall, on entering on the duties of their respective offices, give such bonds and security, as may be required of them, to the Mayor of the Corporation, for the faithful discharge of the duties of their appointment, and accounting for all monies by them collected or received, for the use of the Corporation, and their compensation shall be regulated by the Mayor and Aldermen.

Oath.

SEC. 9. *Be it enacted*, That the Mayor and Aldermen of said town shall, before entering on the duties of their office, take an oath before some Justice of the Peace of said county, to faithfully, uprightly, and honestly demean

themselves as Mayor and Aldermen of said Corporation, during their continuance in office.

SEC. 10. *Be it enacted*, That when any tax or duty shall be imposed upon any property, lying within the bounds of said Corporation, and shall not be paid by the owner or occupier of the same, and there should not be any personal property of the owner or occupier of the same within the limits of said Corporation, upon which the same could be levied, then it shall be the duty of the Recorder to certify the same to the Circuit Court of Benton county, at the term to which the Sheriff of said county is required to report lands in his county, on which the State and county tax has not been paid; and upon said report, at said term, it shall be the duty of the Circuit Court to enter up judgment for the tax due said Corporation, in the same manner judgments are required to be entered for the nonpayment of the tax due the county and State upon lands lying in said county; and the same shall be sold at the same time and in the same manner, and be subject to the same rules, regulations, and restrictions, that are by law required for the sale of lands lying within said county, on which the State and county tax is not paid; which tax when collected by the Sheriff as provided for in this section, shall be paid by him into the hands of the town Treasurer, for the use of said Corporation; which sale, when made in manner aforesaid, shall vest the same right and title in the purchaser, as if the sale had been made for taxes due the State. Tax.

SEC. 11. *Be it enacted*, That the Constable of said town shall have the same fees, as are allowed by law to other Constables of the State for similar services; and said Constable before he enters upon the discharge of his duties, shall take the oath prescribed by law for other Constables of this State. It shall be the duty of the town Constable to execute all warrants and other process growing out of the Corporation laws from Justices of the Peace. Constable's fees.

SEC. 12. *Be it enacted*, That when any real estate in said town may be levied upon for any Corporation dues, the same proceedings shall be had thereon as is prescribed by law in other cases of precepts issued by Justices of the Peace. Levy on real estate.

SEC. 13. *Be it enacted*, That this act shall take effect, and be in force from and after the passage thereof; and all laws heretofore passed contrary to the true intent and When to take effect.

meaning of this act, be and the same are hereby repealed.

F. BUCHANAN,
Speaker of the House of Representatives.
 J. M. ANDERSON,
Speaker of the Senate.

Passed, November 8, 1847.

CHAPTER VIII.

An Act to repeal the first section of an act, Ch. 48, passed 27th Dec., 1843.

Be it enacted by the General Assembly of the State of Tennessee, That the first section of an act passed on the 27th December, 1843, chapter 48, entitled "an act to prescribe the time, place and manner of choosing Senators to the Congress of the United States," be, and the same is hereby repealed.

F. BUCHANAN,
Speaker of the House of Representatives.
 J. M. ANDERSON,
Speaker of the Senate.

Passed, November 16, 1847.

CHAPTER IX.

An Act to exempt persons who have attained to the age of forty-five from working on roads.

Be it enacted by the General Assembly of the State of Tennessee, That, after the passage of this act, no free white man shall be compelled to work on any public road, in this State, after he shall have passed the age of forty-five years.

F. BUCHANAN,
Speaker of the House of Representatives.
 J. M. ANDERSON,
Speaker of the Senate.

Passed, November 19, 1847.

CHAPTER X.

An Act to incorporate the New Orleans and Ohio Telegraph company.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Samuel F. B. Morse, John M. Bass, G. M. Fogg, James A. Porter, J. J. Gill, James Woods, John Kirkman, C. Connor, James Johnson, James A. McAlister and their associates, who have acquired or may acquire from said Morse, the right to construct and carry on the Electro Magnetic Telegraph by him invented and patented, through this State on the route leading from the cities of Louisville, Cincinnati, Maysville and Pittsburgh to Lexington, Kentucky, and thence to Nashville, Tuscumbia and Jackson, to New Orleans, are hereby created a corporation and a body politic, for the purpose of erecting and maintaining a line of said Telegraph on the route aforesaid, and transmitting intelligence by means thereof, under the name and style of the New Orleans and Ohio Telegraph company. Incorporation.

SEC. 2. *Be it further enacted*, That the stock of said company shall consist of shares of one hundred dollars each to be issued to the original owners of the patent right and to those who have heretofore or may hereafter furnish funds for the construction and improvement of said line of Telegraph as the owners and subscribers have heretofore or may hereafter agree upon. *Provided*, That funds to be raised for the construction of said Telegraph, putting the same in operation, and from time to time adding to and improving it, shall be only sufficient for these purposes, and shall not be invested or employed for any other purpose whatever. Stock.

SEC. 3. *Be it further enacted*, That the corporators aforesaid, or any one or more of them, acting under the direction of a majority of said corporators, shall be and are hereby empowered to take such steps as they may deem expedient, to procure subscriptions for the completion of said lines according to existing contracts, or such as may be hereafter made, to collect the money subscribed, and to disburse them for purposes of construction, and perform all other acts necessary to expedite the procurement and proper application of the funds aforesaid. Powers of corporators.

SEC. 4. *Be it further enacted*, That said corporation shall have the power to build or purchase any connecting or side line, having acquired the right to do so from the owners of Morse's patent, and may enlarge the capital for that purpose. To build side lines.

Election of
Board.

SEC. 5. *Be it further enacted*, That as soon as the line of Telegraph shall be completed and in operation from Cincinnati or Louisville to New Orleans, the said corporators shall by advertisement, in at least one newspaper in every city on the line, where subscribers for two thousand dollars of stock may reside, to call a meeting of the subscribers and proprietors of the patent right, constituting the corporate body hereby created, at such place as may be most convenient for a majority of the subscribers, for the purpose of choosing a President and Board of Directors, and Secretary and Treasurer for the management of their affairs. Annual meetings of said corporation shall be held at such time and place as may be prescribed by the stockholders at their first meeting; and at any subsequent annual meeting; and special meetings shall be called by the President and Directors whenever, in their opinion, the interests of the company may require it, or when it may be demanded by persons holding one third of the stock. Such reasonable notice shall be given of the time and place of such meetings, as may be prescribed by the by-laws of the corporation. In case of the death or resignation of any Director, a majority of the Board shall have the power to elect another to fill his place.

Powers of
Board.

SEC. 6. *Be it further enacted*, That the President, Directors, Secretary and Treasurer shall hold their offices for one year, and until their successors shall be elected, and shall exercise such powers pertaining to the building and management of said Telegraph, not incompatible with the constitution and laws of the State, and of the United States, as may be authorized by the by-laws of the said corporation.

Votes of
Stockholders.

SEC. 7. *Be it further enacted*, At every election each share shall entitle its holder to one vote, and absent stockholders may vote by agents or proxies producing written authority. In case of a tie the election shall be decided by lot. *Provided*, That all stockholders owning ten shares and under, shall be entitled to one vote, and the owner of more than ten shares shall be entitled to one vote for every ten shares, so that the whole amount of votes of any stockholder shall not exceed thirty.

Powers of
Company.

SEC. 8. *Be it further enacted*, That the Telegraph company hereby incorporated, shall have power to sue and be sued, complain and defend in any court of Law or Equity having competent jurisdiction, to make and use a common seal, and the same to alter at pleasure, to purchase and hold such real and personal estate as the lawful purposes of the corporation may require, and the same to sell and convey when no longer so required,

to appoint such officers and agents as may be necessary to manage the business of the corporation, and allow them a suitable compensation, and to make by-laws not inconsistent with any existing law for the management of its property, the regulation of its affairs, and the issue and transfer of its stock.

SEC. 9. *Be it further enacted*, That the corporation hereby created shall have power by contracts with other persons as bodies politic, to connect their lines of Telegraph with lines out of this State. Connection with lines out of the State.

SEC. 10. *Be it further enacted*, That the Magnetic Telegraph Company, shall have power to set up their fixtures along and across any of the roads, streets, or waters of this State, without it being deemed a public nuisance; or subject to be abated by any private person; the said fixtures to be so placed as not to interfere with the common use of such roads, streets and waters, or with the convenience of any land owner more than is unavoidable; but the said corporation shall be responsible for any damage which any person or corporation may sustain by the erection, continuance and use of such fixtures, and in every action brought for the recovery thereof by the owner or possessor of any lands, the damages to be awarded may, at the election of such corporation, include the damages of allowing the said fixtures permanently to continue, on payment of which damages the right of the corporation to continue such fixtures shall be confirmed, as if granted by the parties to the suit. *Provided*, That no person or body-politic shall be entitled to sue for or recover damages as aforesaid, until the said corporation after due notice shall have failed or refused to remove in reasonable time the fixtures complained of. And every person who shall destroy or commit a trespass upon the fixtures of said corporation, erected in pursuance of the authority hereby given, actually interrupting, or with intent to interrupt the operations of the Telegraph, shall pay to the said corporation one hundred dollars for such offence, and shall be further liable for all damages which said corporation may suffer in repairing the injury, and in the interruption of their business, to be recovered in an action of trespass. May cross roads, streets, or waters.

SEC. 11. *Be it further enacted*, That it shall be lawful for the company hereby incorporated or other proprietors of Morse's Electro Magnetic Telegraph, to construct lines of Telegraph along the common roads and streets of this State, along all Turnpikes, Railroads and Canals, for the purpose of communicating between any of the towns and villages in this State, or beyond its limits, and the main line of said company, and with each oth- May construct lines along all roads, &c.

er, subject to all the terms and conditions of this act contained.

SEC. 12. *Be it further enacted,* That said corporation shall be bound on application of any of the officers of this State, or of the United States, acting in the event of any war, insurrection, riot, or other civil commotion, or resistance of public authority, or in the prevention and punishment of crime, or the arrest of persons charged or suspected thereof, to give to the communication of such officer immediate despatch; and if any officer, clerk, or operator of said company, or any other Telegraph Company, shall refuse or wittingly omit to transmit such communication, or shall designedly alter or falsify the same for any purpose whatever, he shall be subject to fine and imprisonment in proportion to the aggravation of the offence, upon conviction thereof before any court of competent jurisdiction. For transmitting such communications the company shall charge no higher price than for private communications of the same length.

SEC. 13. *Be it further enacted,* That dividends of so much of the profits of the company as shall be deemed expedient, be declared semi-annually in the month of January and July in each year, provided that no dividend shall be declared which shall impair the capital stock of said company.

SEC. 14. *Be it further enacted,* That it shall be lawful for the stockholders of this company, a majority of the stock assenting thereto, to merge its capital into that of a company owning a line of Telegraph running from Baltimore to Wheeling, making a continuous line of Telegraph from the city of Baltimore through Wheeling in Virginia, Lexington in Kentucky, and Nashville in Tennessee, to the city of New Orleans, and thenceforward the name and style of this corporation shall be the Western Telegraph Company.

SEC. 15. *Be it further enacted,* That the said Company shall have power and authority to purchase out the right of any improvements that may be made in the Magnetic Telegraph from time to time.

SEC. 16. *Be it further enacted,* That the stock and other property of said company shall be exempt from taxation until dividends are declared, when it shall be subject to taxation at the same rates as other property.

SEC. 17. *Be it further enacted,* That this act shall take effect from the date of its passage, and shall be deemed a public act; *Provided,* That nothing in this act shall be so construed as to give to said company any exclusive privileges.

SEC. 18. *Be it further enacted*, That it shall be a misdemeanor, punishable as misdemeanors are punishable at common law, for the same person a second time actually to interrupt, by any means whatever, the operation of said Telegraph, or any other Telegraph established by law.

SEC. 19. *Be it enacted*, That Thomas Martin, Andrew M. Ballentine, Jacob Voorhies, Benj. Carter, Rufus G. P. White, Thomas H. Meredith, James P. May, James Patterson, Lunsford M. Bramlett, William Arrowsmith, James McCollum, Booker Shepherd, William Gilmer, Robt. Dickson, Early Benson, Robt. B. Harney, Pressly W. Phelps and their associates, be and they are hereby constituted a body politic, and corporate by the name and style of the Huntsville, Pulaski and Columbia Telegraph Company, for the purpose of constructing a line of Morse's Electro Magnetic Telegraph from Huntsville, Alabama, through Pulaski, Tennessee, to intersect the New Orleans and Ohio Telegraph line at Columbia, and as such corporation, to have and exercise all the powers and privileges necessary for the construction of said line; in the same manner and to the same extent as hereinbefore designated in said act; and so soon as the line is constructed, the company shall be organized by the election of officers in the same manner as provided for the organization of the New Orleans and Ohio Telegraph Company.

SEC. 20. *Be it further enacted*, That the formation of a company is hereby authorized for the purpose of constructing a line of Morse's Electro Magnetic Telegraph from Memphis, Tennessee to intersect the New Orleans and Ohio Telegraph line, either at Nashville, Columbia, or Tusculumbia, Alabama, as may be determined by said company, which shall consist of the stockholders, and when formed shall be a body corporate by the name and style of the Nashville and Memphis Telegraph Company, and by such name shall have and exercise all the rights, powers, privileges and immunities, so far as the same are applicable, which have been herein before granted to the New Orleans and Ohio Telegraph Company.

SEC. 21. *Be it enacted*, That Joseph I. Andrews, T. S. Ayres, James L. Webb, Miles Owen, M. B. Winchester, Thos. H. Allen, Seth Wheatley, John Trigg, Joseph H. Talbot, Samuel P. Walker, Joseph Watkins and R. C. Brinkley, are hereby appointed a Board of Commissioners, who may at such time and place as they may think proper, open books for the subscription of stock of the said company, and so soon as the line is

constructed the company shall be organized by the election of officers in the same manner as provided for the organization of the New Orleans and Ohio Telegraph Company.

F. BUCHANAN,

Speaker of the House of Representatives.

J. M. ANDERSON,

Speaker of the Senate.

Passed, October 18th, 1847.

CHAPTER XI.

An Act to provide for cleaning out obstructions in the Hatchee river.

Whereas, By an act passed by the General Assembly of the State of Tennessee, on the day of a charter to build bridge. was granted to certain persons to build a bridge across Hatchee river, on the road leading from Bolivar to Jackson, and also a charter granted on the day of by an act of the General Assembly of the State of Tennessee, to certain persons to build a bridge across Hatchee river, on the road leading from Bolivar to Purdy, *and whereas*, by an act of the General Assembly of the State of Tennessee, passed on the 17th day of January, 1838, the said river was declared navigable, as far up as the mouth of Tuscumbia river for steamboats and other craft, and an appropriation made by the State to clean out said river to the mouth of Tuscumbia, and a part of the money appropriated has been expended in cleaning out the river to the limit aforesaid, and above the said bridges: *and whereas*, the navigation of said river is obstructed by the bridges aforesaid, so that it is impossible for steamboats to pass above Bolivar, much to the injury and inconvenience of the people.—In remedy whereof,

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the sum of five hundred dollars, out of the funds heretofore appropriated to the cleaning out of said river, be, and the same is hereby appropriated for the purpose of making draw bridges across Hatchee river, so as to afford a convenient and safe navigation for steamboats to ply from the mouth of Hatchee to the mouth of Tuscumbia above the said bridges.

SEC. 2. *Be it enacted*, That Thomas Joynes, David McKinnie and Rufus P. Neely, be, and they are hereby appointed commissioners for the building of said draw bridges, who shall let out the same to the lowest bidders.

SEC. 3. *Be it enacted,* That the work when finished shall be subject to the inspection of the county court of Hardeman county, who may receive the same or not. County Court
to inspect.

SEC. 4. *Be it enacted,* That said commissioners be, and they are hereby authorized, to draw for the amount hereby appropriated, upon whatever bank the aforesaid river fund may be deposited in, or upon the commissioners in whose hands it may be. Authority of
Commissioners

F. BUCHANAN,

Speaker of the House of Representatives.

J. M. ANDERSON,

Speaker of the Senate.

Passed, October 29, 1847.

CHAPTER XII.

An Act to incorporate the town of Bolivar, in the county of Hardeman.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the town of Bolivar and the inhabitants thereof, be, and they are hereby constituted a body corporate, by the name and style of the Mayor and Aldermen of the town of Bolivar; and by the name and style aforesaid, shall have perpetual succession, and may have and use a common seal, and may, by the name and style aforesaid, sue and be sued, plead and be impleaded, may have, receive, purchase, and hold property, whether real or personal, and may grant, sell, and dispose of the same, for the use and benefit of said town. Incorporation.

SEC. 2. *Be it enacted,* That the Corporation aforesaid shall have full power and authority to enact such by-laws and ordinances as may be necessary and proper, to preserve the health, quiet, and good order of the said town; to prevent and remove nuisances, to establish night watches and patrols; to punish breaches of good order committed within the said town; to ascertain and declare, when necessary, the old boundary of said town, its streets and alleys; to grant privileges of exclusive use to portions of streets or alleys, or sell the same when deemed useless to the Corporation; to provide for licensing, regulating, and taxing auctions; to restrain and prohibit gaming; to prohibit the exhibition of stallions and jacks within the limits of said Corporation; to provide for licensing, taxing, and regulating theatrical and other shows and exhibitions; to pass by-laws and ordi- Powers of
Corporation.

nances proper for paving the streets, alleys and sidewalks; to establish and regulate markets and inspections; to provide for the establishment and regulation of fire companies, and the sweeping of chimneys; to dig wells, and erect cisterns; to erect pumps on the streets and public grounds; to impose and collect fines and forfeitures for breaches of the by-laws and ordinances of said Corporation; to lay and collect taxes upon all property and privileges within said Corporation, which are taxable by the laws of this State, or which may hereafter be made taxable by law; to tax ball alleys, and nine and ten pin alleys, and to pass all by-laws and ordinances necessary and proper to enforce the powers granted to said Corporation, not inconsistent with the constitution and laws of the United States or of the State of Tennessee.

Fines and forfeitures—how recovered.

SEC. 3. *Be it enacted*, That all fines and forfeitures imposed by the by-laws and ordinances of said Corporation, not exceeding fifty dollars, shall be recoverable by action of debt before the Mayor of said town, or any Justice of the Peace for Hardeman county, and for sums exceeding said amount, before the Circuit Court of said county.

Elections—qualification of voters.

SEC. 4. *Be it enacted*, That on the first Saturday in January, of each and every year, the sheriff of Hardeman county, by himself or deputy, shall open and hold an election, at the court-house in the town of Bolivar, after giving ten days notice, for seven Aldermen, who shall respectively hold their offices for twelve months, and until their successors shall be elected and qualified; and all persons living within the bounds of the town of Bolivar, and all persons owning real estate therein, and who shall have been residents thereof for six months previous to said election, and all who are otherwise entitled to vote for members to the General Assembly, and who shall not, at the time of said election, be in arrears to said corporation for fines, forfeitures, or otherwise, shall be entitled to vote in said election; and no person shall be eligible to the office of Alderman, unless he shall, at the time, be a free-holder within the Corporation aforesaid; said election shall be adjudged by three free-holders, to be appointed by the sheriff aforesaid, and qualified by him; the polls to be opened at twelve M., and closed at four P. M., immediately after which, the sheriff shall deliver to each person, so elected to the office of Alderman, a certificate of his election.

Organization of Board.

SEC. 5. *Be it enacted*, That it shall be the duty of the Aldermen, so elected as aforesaid, on the Tuesday succeeding their election, to meet at the court-house in said

town, and upon the presentation of their certificates of election to the Clerk of the County Court, he shall administer to them an oath of office, to the effect, that they shall faithfully demean themselves as such during their continuance in office; and thereupon the said board shall organize themselves, a majority of whom shall constitute a quorum to transact business, and proceed to elect one of their body to preside as Mayor for the current year, and until his successor shall be appointed, and also a Recorder, Constable and Treasurer, the two latter of whom shall enter into bond and sufficient security, to be approved by the Mayor, faithfully to collect and pay over, as required by said board, all taxes, fines, forfeitures, &c., which may be due to said Corporation; and the said Recorder, Constable and Treasurer, shall respectively hold their offices for one year, and until their successors shall be appointed.

Constable and Treasurer to give bond.

SEC. 6. *Be it enacted*, That all vacancies for Aldermen, and other officers in said Corporation, shall be filled, for the residue of the term, by the board of Aldermen, in office; and the persons so appointed by them shall possess the same qualifications for office, as required in the fourth section of this act.

Vacancies—how filled.

SEC. 7. *Be it enacted*, That it shall be the duty of the Constable faithfully to collect and pay over, on the first Mondays in January and July annually, all taxes, fines and forfeitures due and owing to said Corporation; and on failure, shall be liable, on motion, before the Circuit Court, of Hardeman county, and shall further be liable to removal from office, for delinquency, at the pleasure of the Mayor and Aldermen.

Constable's duties.

SEC. 8. *Be it enacted*, That it shall be the duty of the jailor of Hardeman county, to receive and keep in jail, any person who may be committed to his charge for a breach of the by-laws and ordinances of said Corporation, and all disorderly and riotous persons committed to his charge in the night time, by the town constable, for which he shall receive the same fees as in other cases of imprisonment.

Jailor to receive offenders.

SEC. 9. *Be it enacted*, That the bounds of said town shall be as follows, to wit: Beginning at the south-west corner of the lot occupied by John H. Bills, on Edwin Polk's line; from thence north, with the same, to a point west of the original north-west corner of the fifty acres, originally laid off for said town; thence east to the north-east corner thereof, on Ramsey's line; thence south to the eastern termination of Jackson street; thence east-

Boundaries of Corporation.

wardly with the road to the north-east corner of the public grave-yard; thence south to its south-east corner; thence west to the original west margin of the town, at the termination of Market street; thence south to a point east of the beginning; thence west to the same.

SEC. 10. *Be it enacted,* That all the laws and ordinances of the old Corporation of said town, now in force, and not contrary to the provisions of this act, shall continue until repealed by the Mayor and Aldermen of said town, any thing herein contained to the contrary notwithstanding; and this law to take effect from and after the passage of this act.

SEC. 11. *Be it enacted,* That all laws and parts of laws heretofore enacted on the subject of said Corporation, be and the same are hereby repealed.

SEC. 12. *Be it enacted,* That on failure of the sheriff to advertise, and hold the election for Aldermen at the proper time, it shall be lawful to hold the same at any time thereafter, on giving the legal notice.

SEC. 13. *Be it enacted,* That said Corporation shall not issue bonds, or bills of credit, at any time, for a sum exceeding five hundred dollars, and shall never renew a bond so issued, nor in the whole amount out at the same time, exceed that sum.

SEC. 14. *Be it enacted,* That where any tax or duty shall be levied or imposed by said Corporation upon any real estate lying within the said town, and the owner or owners thereof shall not pay the same within the year for which the same was levied or imposed, it shall be the duty of the Recorder, upon the fact being reported to him by the town Constable, that the owner or owners have no personal property upon which he can distrain, to report the said real estate to the Circuit Court of Hardeman county, at the first or second term of the year next succeeding; and it shall be the duty of said court to enter up judgment against the said real estate for the taxes or duties remaining due and unpaid thereon; and the same shall be sold by the sheriff, at the same time and place, and in the same manner, and under the same conditions, as if the taxes had been due the State and county; and which sale shall vest the title in the purchaser as in other tax sales; and the sheriff shall pay over to the Treasurer of said Corporation the taxes so by him received, and on failure, shall be liable, on motion, as in other cases, with twelve and a half per cent. interest thereon.

SEC. 15. *Be it enacted,* That the town Constable shall

have such fees, for his services, as may be allowed him by the Mayor and Aldermen. Fees of Constable.

F. BUCHANAN,
Speaker of the House of Representatives.
J. M. ANDERSON,
Speaker of the Senate.

Passed, November 29, 1847.

CHAPTER XIII.

An Act to amend the act of 1846, chapter 194, entitled "an act extending the jurisdiction of the Circuit Courts," passed, February 2d, 1846.

SECTION 1. Be it enacted by the General Assembly of the State of Tennessee, That the Circuit Courts shall have concurrent jurisdiction with the Chancery Courts in the matter of appointing trustees, when necessary, to prevent failures in the execution of trusts; also in the matter of selling trust estates, and re-investing the proceeds.

SEC. 2. Be it enacted, That the Commercial and Criminal Court
Criminal Court of Memphis shall have the same juris- at Memphis.
diction.

F. BUCHANAN,
Speaker of the House of Representatives.
J. M. ANDERSON,
Speaker of the Senate.

Passed, November 19, 1847.

CHAPTER XIV.

An Act giving further time for the completion of the Western and Atlantic Rail Road of Georgia to the Tennessee river.

Be it enacted by the General Assembly of the State of Tennessee, That the further time of two years, from the first day of January next, be given to the State of Georgia to complete the Western and Atlantic Rail Road of that State to Chattanooga, on the Tennessee river.

F. BUCHANAN,
Speaker of the House of Representatives.
J. M. ANDERSON,
Speaker of the Senate.

Passed, October 18, 1847.

CHAPTER XV.

An act to alter the lines of Perry and Decatur counties,

Eastern boundary of Decatur county.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the eastern boundary of Decatur county be extended to the low water mark on the east bank of Tennessee river, and that revenue accruing from trading boats, &c., trading on said eastern side of the river shall be due to the proper officers in Perry county, and collected as other revenue.

Surveyors to run boundaries

SEC. 2. *Be it enacted*, That the Surveyors of Henderson and Decatur counties, as soon as practicable after the passage of this act, be and they are hereby required to commence at the point where the county line crossed the road leading from Lexington to Perryville, previous to the act passed at the last General Assembly, attaching a portion of Henderson to Decatur, and run in a south-westwardly direction so as to strike the southern boundary of Henderson county, at a point that will leave Henderson county her constitutional limits; and all east of the line shall be and is hereby attached to the county of Decatur; and the citizens thereof shall be entitled to all the rights and privileges and subject to all the liabilities of other citizens of Decatur county; and said Surveyors shall be allowed such compensation as the County Court of Decatur county may think their services reasonably worth.

Taxes—how collected and paid over.

SEC. 3. *Be it enacted*, That all that portion of territory, lying north of the road leading from Lexington to Perryville, attached by the last General Assembly to Decatur county, be and the same is hereby declared a portion of Henderson county, and that the Sheriff of Henderson county, be and he is hereby authorized and required to collect the taxes due for the year 1847, in that portion of territory attached by the last General Assembly to Decatur county; and that he pay over all sums collected north of said road to the Trustee of Henderson county; and all such sums as may be collected south of said road, and east of the line described in the second section of this act, shall be paid over to the Trustee of Decatur county, and their receipts shall be good vouchers in the hands of the Sheriffs or Tax Collectors in the final settlement of their accounts; and all monies collected by the revenue collector of Decatur county from citizens in that portion of territory made by this act a part of Henderson county, shall be paid over to the Trustee of Henderson county, and his receipt shall be a

good voucher in the hands of said revenue collector upon final settlement.

SEC. 4. *Be it enacted*, That the county seat of the county of Perry shall after the passage of this act, be known and distinguished by the name of Lindon. Name of
county seat.

SEC. 5. *Be it enacted*, That the said Surveyors, after running the line described in the second section of this act, shall designate two suitable places to open and hold an election of the qualified voters in said portion of territory by this act attached to Decatur county, and also two suitable persons to open and hold the same at each place; which election shall be held in thirty days after the running of said line, notice first having been given in at least four public places within the said territory for at least fifteen days; and those in favor of being attached to Decatur county, shall have on their tickets "*Decatur county*," and those opposed shall have on their tickets "*Henderson county*;" and if a majority vote in favor of being attached to Decatur, then those holding the elections shall make a report of the same to the County Court Clerks of each county, which shall be filed in their respective offices; and the portion thus attached to Decatur, shall be deemed and taken as a part of Decatur, and shall be under the jurisdiction of the same, in all things, as other portions of said Decatur county. Election.

SEC. 6. *Be it enacted*, That the Surveyor of Perry county, and the Surveyor of Wayne county be required to examine the line between Wayne and Perry as defined by the last General Assembly, and if it approaches nearer at any point to Waynesborough, than twelve miles, then said Surveyors shall so alter the line as to prevent it approaching nearer than twelve miles, and such line as defined by them shall be the line between Perry and Wayne; and said Surveyors shall have such compensation as their respective County Courts may deem their services reasonably worth. Surveyor to
run line be-
tween Wayne
and Perry.

F. BUCHANAN,

Speaker of the House of Representatives.

J. M. ANDERSON,

Speaker of the Senate.

Passed December 1, 1847.

CHAPTER XVI.

An act to change the time of holding the Circuit Court in the county of Jefferson.

Be it enacted by the General Assembly of the State of Tennessee, That from and after the passage of this act the Circuit Court for the county of Jefferson shall be held on the second Monday of April, August and December, in each year, and it shall be the duty of the Judge of said court, to hold said court until it shall be necessary to adjourn for the purpose of attending the next succeeding court in said circuit, unless the business shall be sooner disposed of.

F. BUCHANAN,

Speaker of the House of Representatives.

J. M. ANDERSON,

Speaker of the Senate.

Passed, November 27, 1847.

CHAPTER XVII.

An Act to facilitate the taking of depositions.

Be it enacted by the General Assembly of the State of Tennessee, That the Constables in the different counties in this State, be and they are hereby authorized to execute notices to take depositions in suits pending in the courts of Law and Equity; and the return of a constable shall be evidence of the service of said notice. For each notice delivered by a constable, he shall be allowed a fee of fifty cents to be taxed in the bill of costs.

F. BUCHANAN,

Speaker of the House of Representatives.

J. M. ANDERSON,

Speaker of the Senate.

Passed, December 3d, 1847.

CHAPTER XVIII.

An Act to incorporate the East Tennessee Iron Manufacturing Company, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That a body corporate and politic is hereby established by the name and style of the East Tennessee Iron Manufacturing Company, for the purpose of manufacturing iron, machinery and implements, and all articles composed in whole or in part of iron, steel and wood; and that the said company is empowered to make and use a common seal—to change it at pleasure. To make such by laws (not inconsistent with the laws of this State or of the United States) as are necessary and useful. To sue and be sued, to have succession, to hold by purchase or otherwise (and to dispose of the same) any real estate or personal property, which may be convenient or necessary for carrying on its operations, or which it may become possessed of, in payment of debts, due to it, in whole or in part, or otherwise purchased; *Provided, nevertheless*, that the real estate, so held, shall, at no time exceed double the maximum amount of its capital, hereinafter provided. Incorporation

SEC. 2. *Be it enacted*, That the capital stock of said company shall be divided into shares of one hundred dollars each, and shall consist of not less than two hundred, and not more than twenty five hundred shares, transferable only on the books of the company, and then, only with the consent of the board of directors, unless the full amount of such shares shall have been paid. The company shall have power to declare forfeited to it, any stock upon which the instalments called for remain unpaid, in whole or in part; or it may at its option, sue for and recover the unpaid amount, before any tribunal having jurisdiction of such sums, first, however, having given thirty days legal notice of such call having been made. Said company shall have power to transact its business, at one or more points, as may be deemed expedient. Capital stock.

SEC. 3. *Be it enacted*, That the officers of the said company shall consist of five directors, who, together with a President, by them elected from their own body, shall manage its affairs. The said five directors shall be elected by the stockholders, each stockholder being entitled to one vote for every share of stock he may hold. Said stockholders may vote either in person or by proxy. The directors shall hold their office for one year, and until their successors shall have been elected. Election.

Commission-
ers to open
books.

SEC. 4. *Be it enacted*, That William Williams, William Swan, Samuel B. Boyd, Thomas C. Lyon, and Robert Cravens are hereby appointed commissioners to open books for subscription to the capital stock of said company, or any three of them, after having given ten days notice thereof—and when the number of two hundred shares shall have been subscribed, or such greater number, not exceeding the maximum number hereinbefore provided, the said commissioners shall, after due notice, proceed to hold an election for directors as provided, in the third section of this act. Should there be a less number of shares subscribed than the maximum number provided in the first section, the company, when organized, may increase the same to that number in such manner as it shall seem proper. Nothing herein contained shall be construed so as to authorise said company, to incur any liabilities which are not incident to manufacturing companies. The property and capital of said company shall be exempt from taxation, until a dividend is declared, and shall then be subject to taxes as other property.

Chattanooga
Iron Manufac-
turing Compa-
ny established

SEC. 5. *Be it enacted*, That George W. Crawford, Ker Boyce, Farish Carter, John P. King, J. Edgar Thompson, James A. Whiteside, Benjamin Chandler, Rease B. Brabson, Thomas G. McFarland, Robert M. Hooker, and Joseph P. McCullough, their associates and successors are hereby incorporated by the name and style of the "Chattanooga Iron Manufacturing Company," the capital stock of which shall not be less than one hundred thousand, nor more than three hundred thousand dollars, in shares of one hundred dollars each; books for the subscription of which may be opened under the direction of the persons aforesaid, at such time and place as they, or a majority of them may deem proper. Said company shall have all the rights, powers, and privileges, and be subject to all the limitations, liabilities and restrictions, so far as they are applicable, which are herein before given to, and prescribed for the East Tennessee Iron Manufacturing Company.

F. BUCHANAN,

Speaker of the House of Representatives.

J. M. ANDERSON,

Speaker of the Senate.

Passed, November 27, 1847.

CHAPTER XIX.

An Act to authorize Burton Marchbanks, of Overton county, to open a Turnpike Road.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Burton Marchbanks, of Overton county, be, and he is hereby authorized to open a turnpike road, from the Nashville turnpike road, at or near Smithville, in DeKalb county, running in the direction of White Plains, in Jackson county, to the Jackson county line.

SEC. 2. *Be it enacted*, That said road shall be opened Width of road. and constructed, at least thirty feet wide, except on hill or mountain sides, which shall be sixteen feet wide, when it shall be practicable to be made, cleared of stumps, rocks and all other obstructions, calculated to impede wagons, carriages, or passengers; all bridges to be made of wood or stone, at least sixteen feet wide; the hills to be cut down, and the valleys filled up, so that at no place shall the elevation be more than two feet to each rod, and ditches cut along, so as to drain off the water from said road when it may be necessary.

SEC. 3. *Be it enacted*, That Jesse Allen, and Robert Burton, of the county of DeKalb, John West and Elijah Karr, of the county of Jackson, are hereby appointed Commissioners on said road, and shall examine the same; and when they shall find the same in repair, as contemplated by this act, they shall license said proprietors to erect a toll gate on said road, at some suitable point, at which said proprietors shall receive the following rates of toll, to wit: for each four wheeled wagon, fifty cents; for each cart, twenty-five cents; for each four wheeled pleasure carriage, seventy-five cents; for each two wheel pleasure carriage, thirty-five cents; for each carryall, twenty-five cents, and for all other drafts drawn by horses, mules, or oxen, twenty-five cents; for each man and horse, or mule, ten cents; for each foot passenger, five cents; for each led horse or mule, not in a drove, five cents, if in a drove, three cents; for each head of cattle, two cents; for each hog, or sheep, one cent: *Provided*, That the said proprietors shall, when the Caney Fork river shall, by reason of high water, be impassable, and it shall be necessary, keep a ferry boat at said river, and ferry all persons, and wagons, or carriages, of every description, over said river, for which he shall be entitled, in addition to the toll heretofore allowed for pikeage, to toll for ferriage to the same amount, and in like manner as he is entitled to pikeage; and said

Toll.

proprietors shall keep said road in the repair contemplated by this act; and on failure to do so, it shall be the duty of said Commissioners to open said gate, and no toll shall be received, until the proprietor shall comply with the provisions and requirements of this act.

Charter extended to 30 years.
 SEC. 4. *Be it enacted*, That the said proprietor shall have the privileges and emoluments as prescribed by this act, for the term of thirty years; and shall have four years to complete said road, exclusive of said term: *Provided*, Nothing herein contained shall prevent him from completing the same, and carrying the provisions of this act into effect in a shorter time.

SEC. 5. *Be it enacted*, That if any person shall forcibly, or clandestinely, pass said gate, for the purpose of evading the payment of toll, such person shall be liable to pay said proprietor twenty-five dollars, to be recovered before any Justice of the Peace, by action of debt.

F. BUCHANAN,

Speaker of the House of Representatives.

J. M. ANDERSON,

Speaker of the Senate.

Passed, December 30, 1847.

CHAPTER XX.

An Act further to provide for the Occupant Settlers, South and West of the Congressional Reservation Line, and for other purposes.

Entry open to 1st September, 1849.
 SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That from and after the passage of this act, any person or persons, their heirs or assigns, who may, by any of the former acts of the Legislature of this State, be entitled to any of the vacant and unappropriated lands in this State, lying South and West of the Congressional Reservation line, and North of Winchester's line, by occupancy or pre-emption right, shall have the preference and priority of entry, until the first day of September, 1849, and may, at any time within the term aforesaid, enter his, her, or their claim or claims, or any part thereof, by paying to the Entry-Taker of the county, in which said land may lie, the fees that are now allowed by law to the Entry-Taker, Surveyor, Register, and Secretary of State, in obtaining grants.

SEC. 2. *Be it further enacted*, That if any person or persons, who may be entitled to any right of occupancy,

under any former act of the Legislature of this State, shall not, on or before the first day of September, 1849, enter his, her, or their occupant claim, according to the provisions of the first section of this act, then it shall and may be lawful for any other person to enter the same by paying the fees aforesaid. Other than occupants; allowed to enter.

SEC. 3. *Be it enacted,* That so much of the act of eighteen hundred and forty-two, chapter thirty-four, section five, as relates to the payment of twelve and one half cents per acre, and so much of the act of eighteen hundred and forty-five, chapter eight, and section two, as relates to the sale of the vacant and unappropriated lands, be, and the same are hereby repealed. Former acts repealed.

SEC. 4. *Be it further enacted,* That any of the vacant lands, not claimed by occupancy or pre-emption right, may be entered in the same way that vacant lands are now entered, North and East of the Congressional Reservation Line. Vacant lands now entered.

SEC. 5. *Be it further enacted,* That where any person is claiming land by right of occupancy, and has not a plat and certificate, nor a regular transfer of plat and certificate, from an original claimant, on satisfactory proof being made to the Entry Taker of the county in which said land is situated, that said person, so claiming, has had the peaceable and uninterrupted possession of said land, by right of ownership, either by himself or tenant, for three years immediately preceding the passage of this act, or the time of application for his plat and certificate, it shall be the duty of the Entry Taker to so certify, and upon such certificate, grants may issue, by the person so claiming, paying the fees. Proceeding where there are no plat and certificate.

SEC. 6. *Be it enacted,* That in all cases where the owner of such occupant, has heretofore had the same surveyed, and designated in the Entry Taker's office, of any of the offices aforesaid, it shall not be necessary to have any resurvey.

F. BUCHANAN,

Speaker of the House of Representatives.

J. M. ANDERSON,

Speaker of the Senate.

Passed, November 2d, 1847.

CHAPTER XXI.

An Act to amend an act, entitled "an act to establish a Criminal Court in the county of Davidson," passed, January 27th, 1842.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* The Criminal Court of Davidson county shall hereafter hold three instead of four terms in the year, namely, on the first Mondays in January, May and September, and shall continue its sessions so long as there may remain business on its docket undisposed of.

SEC. 2. The Judge of said Court may either in vacation or in term time, appoint special terms thereof, and continue such terms from day to day, or from term to term, as circumstances, in his judgment may require. And he may appoint Jurors to attend such special terms, and all process that may be requisite for the dispatch of the business of the Court, shall be made returnable to said terms.

SEC. 3. The Judge of said Court may hold the Circuit Court of said county, in case of the incompetency, absence, or illness of the Circuit Judge, and may continue any term of the Circuit Court, when the Circuit Judge is compelled to open another Court in his circuit, until the business on the docket shall be completed, and may hold any special term of said Court which the Circuit Judge may appoint.

SEC. 4. The said Judge may grant injunctions and attachments in Chancery, and make any interlocutory orders therein, which the Circuit Judges are authorized to make.

SEC. 5. The Judge of said court, hereafter to be elected, shall have the same salary as the Circuit Judges of the State, to be paid in the same way, and shall not practice law in the State courts.

SEC. 6. *Be it further enacted,* That the Judge of the court herein mentioned, shall have power to hold any of the Circuit Courts of this State by arrangement with any of said Circuit Judges, and that any Circuit Judge of this State shall have power to hold the Court herein provided for, by arrangement with the Judge thereof.

F. BUCHANAN,

Speaker of the House of Representatives.

J. M. ANDERSON,

Speaker of the Senate.

Passed, December 21st, 1847.

CHAPTER XXII.

An Act to amend an act entitled "an act to incorporate the Westbrook Academy of Obion county," passed February 2d, 1846.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That so much of the act, entitled "an act to incorporate the Westbrook Academy, be, and the same is hereby repealed; and all property, both real and personal, belonging to said Obion Academy, is hereby vested in the Westbrook Academy, in as full and ample a manner, as the same was or is in the said Obion Academy; and the said Westbrook Academy shall succeed to all the rights and privileges of said Obion Academy. Obion Academy repealed.

SEC. 2. *Be it enacted,* That the present and former Trustees of the Obion Academy, shall account to and settle with the Trustees of the Westbrook Academy, and pay and deliver over to them all monies, and other property and effects whatsoever, in their hands, belonging to said Obion Academy.

SEC. 3. *Be it enacted,* That the Trustees of the Westbrook Academy may, in the corporate name of said Academy, commence and prosecute any suit or suits, in law or equity, which may be necessary to recover any monies, or other property, which, by virtue of this act, or otherwise, belongs to said Westbrook Academy. May sue and be sued.

F. BUCHANAN,

Speaker of the House of Representatives.

J. M. ANDERSON,

Speaker of the Senate.

Passed, December 17, 1847.

CHAPTER XXIII.

An Act to incorporate the Trustees of the Pulaski Female Academy.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That there be established at or near Pulaski, in the county of Giles, in said state, an Institution of learning, having a corporate existence, under the name and style of the Trustees of the Pulaski Female Academy. Incorporation.

SEC. 2. *Be it enacted,* That the said Institution shall be governed by seven trustees, who, and their succes-

Trustees appointed. sors, shall constitute a body politic and corporate, a majority of whom shall make a quorum for the transaction of business. The first board shall consist of Thomas Martin, Andrew M. Ballentine, Doctor Benjamin Carter, Carson P. Reed, Charles C. Abernathy, Jacob Voorhies, and James Patterson. All vacancies that may occur in their body, shall be filled by the board, and entered upon the minutes. They may elect from their own body, a President, Secretary and Treasurer.

Powers of Board. SEC. 3. *Be it enacted*, That said board shall have power to employ all necessary teachers and lecturers—fix the rate of tuition—prescribe the course of study—make all necessary rules and regulations—hold real and personal estate by purchase, gift, or devise, and sell or exchange the same, as the interest of the Institution may require—to sue and be sued, and have a common seal—to confer, if they think proper, in conjunction with the teachers, such literary degrees and diplomas, as are usual in Female Academies, and have and enjoy all other powers and privileges that are incident to corporations of this description, inclusive of the power to make all necessary by-laws and regulations relative to said Academy, not being inconsistent with the constitution and laws of the State of Tennessee, or of the United States.

SEC. 4. *Be it enacted*, That said board shall have power to receive subscriptions of stock in said institution, in such sums, and upon such terms as they shall, in their by-laws, designate and prescribe; and the property and assets of the institution shall be governed by the board, under such by-laws and regulations, as they may from time to time establish.

SEC. 5. *Be it enacted*, That in the conveyance of real estate, or the transfer of claims, or other assets, the name of the President of the Board, shall be sufficient, by order of said Board, in each case.

F. BUCHANAN,

Speaker of the House of Representatives.

J. M. ANDERSON,

Speaker of the Senate.

Passed, November 11, 1847.

CHAPTER XXIV.

An Act to provide for the payment of certain State bonds.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Bank of Tennessee proceed to liquidate, at as early a day as practicable, the sum of one hundred and twenty-five thousand dollars of the bonds of the State, executed for stock in the Union Bank of Tennessee, falling due on the first day of January, 1848, and held by the General Government in trust for the benefit of the Chickasaw Indians, out of such funds, belonging to the State of Tennessee, now in possession of the Bank, as may be deemed most advisable for the purpose; and in order that the capital of the Bank may not be reduced hereby, the Bank shall draw upon the Treasury of the State for the above sum of one hundred and twenty-five thousand dollars, in four semi-annual instalments, together with the interest accruing thereon; and the Treasurer shall pay to the Bank the above mentioned instalments, at the times above specified, out of any monies in the Treasury, including also any monies now in the Treasury, under the act of 1846, chapter 154, entitled "an act to provide a sinking fund for the gradual extinguishment of the public debt."

Bank to pay bonds.

To draw on Treasurer of State.

SEC. 2. *Be it further enacted*, That the President of the Bank shall be authorized to draw upon the Treasurer of the State for all exchanges, and interest or discount that the Bank may be compelled to pay, or be entitled to receive in the liquidation of said sum of one hundred and twenty-five thousand dollars, as provided by the first section of this act.

Treasurer to pay exchanges and interest.

F. BUCHANAN,

Speaker of the House of Representatives.

J. M. ANDERSON,

Speaker of the Senate.

Passed December 4, 1847.

CHAPTER XXV.

An Act to incorporate the Trustees of Clinton Seminary in the county of Anderson.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That John Jarnagin, W. W. Walker, R. E. Cummings, William Neil, R. Miller, John McAdoo, and William C. Griffith, and their successors

Incorporation.

in office, be, and the same are hereby constituted a body politic and corporate, by the name and style of the Trustees of Clinton Seminary, in Clinton, Anderson county, Tennessee, and shall be able in law to sue and be sued, implead and be impleaded, answer and be answered unto, defend and be defended in all courts and places whatsoever, and may have a common seal, and may change and alter the same at their pleasure, and also shall be able in law to take by purchase, gift, grant, devise or in any other manner, and to hold any real and personal estate whatsoever, *provided always*, that the clear yearly value of the real estate, so to be acquired, shall not exceed the sum of five thousand dollars, *and provided also*, the principal and interest of which fund shall be used and applied to the promotion of education, and to no other purpose whatever; and also that they, the said Trustees, and their successors as aforesaid, shall have power to collect and receive all funds that have been, in any way contributed or pledged with reference to the establishment, maintenance, and support of said Seminary, or for any of its purposes, and to apply the same, and to give, grant, bargain, sell, convey or otherwise dispose of all, or any part of the said real and personal estate, as to them shall seem best, for the interest of the Seminary; *provided*, that no portion of them be expended, vested or used in any manner, other than in strict accordance with the will of the donor, pursuant to the provisions of this charter, *and provided*, said donation shall not be contrary to the laws of the land.

Powers.

Trustee's
powers.

SEC. 2. *Be it enacted*, That the said Trustees, whose numbers shall never be increased, and their successors in office, shall forever hereafter have full power and authority to direct and manage the funds for the benefit of the Institution, to prescribe and direct the course of study, and the discipline to be observed in the said Seminary, to elect six persons to be called the board of visitors of the said Seminary, and who may have a joint vote with themselves in determining the course of study, and the discipline to be observed; and said Trustees shall also have power to select and appoint a principal and such teacher or teachers and such other officers as the said Trustees shall deem meet, all of whom shall hold their offices during the pleasure of the Trustees.

Quorum.

SEC. 3. *Be it enacted*, That a majority of the whole number of the Board lawfully convened, as hereinafter directed, shall be required for the transaction of any and all business.

SEC. 4. *Be it enacted*, That the Principal of the Seminary shall always be *ex officio* a member of the Board

of Trustees, and Chairman or President of the same. Secretary and Treasurer elected. A Secretary and Treasurer of the Board shall be elected by the Trustees to hold their offices during the pleasure of the Board.

SEC. 5. *Be it enacted*, That the said Trustees shall have power to elect and appoint upon the death, resignation, or other vacancy of the place or places, or ^{Vacancies in Board.} *stead*, as often as such vacancy shall happen, and also to make and declare vacant the seat of any Trustee, who shall absent himself for any term of two successive years, or from any four successive meetings, duly notified, or shall otherwise prove himself deficient in official duty, or moral character, and they shall have power to meet from time to time, upon their own adjournment, and as often as they shall be summoned by their Chairman or President, or in his absence, by the senior Trustee, whose seniority shall be accounted according to the order in which the said Trustees are named in the first section of this act, and shall be elected hereafter; *provided always*, that the said President or Chairman, or the senior Trustee shall not summon a meeting of the corporation unless requested to do so, in writing by two of members, *and provided also*, that he cause notice of the time and place of meeting to be given in such manner as the Trustees shall, in their by-laws prescribe.

SEC. 6. *Be it enacted*, That the said Trustees and their successors shall have full power and authority to ^{Ordinances and By-laws.} make all ordinances and by-laws which to them shall seem expedient for carrying into effect the designs of their institution; *provided always*, that such ordinances or by-laws, shall not make the religious tenets of any person a condition of admission to any privilege in said Seminary, and that no principal or teacher shall be made ineligible for, or by reason of any religious tenet, that he may possess; *provided also*, that none of the by-laws, as aforesaid shall be inconsistent with the constitution and laws of this State, or with the constitution and laws of the United States.

F. BUCHANAN,

Speaker of the House of Representatives.

J. M. ANDERSON,

Speaker of the Senate.

Passed, December 17, 1847.

CHAPTER XXVI.

An Act to authorize the towns of Nashville, Murfreesborough, Shelbyville, and Winchester, to raise money on loan, or to issue their bonds, to pay the calls on stock subscribed, or to be subscribed, in the Nashville and Chattanooga Rail Road.

Whereas, The town of Nashville, by its board of Mayor and Aldermen, has authorized the Mayor of said town to subscribe for twenty thousand shares of the capital stock of the Nashville and Chattanooga Rail Road, which subscription has not however, yet, in fact been made; and, *whereas*, it is necessary that further power should be extended to the corporate authorities of said town, to enable them to pay the calls upon said stock. Therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the town of Nashville be, and it is hereby authorized, through its Mayor and Aldermen, and by the subscription of its Mayor, on the books of the Nashville and Chattanooga Rail Road Company, to subscribe for twenty thousand shares of the capital stock of said company.

SEC. 2. *Be it enacted*, That the Mayor and Aldermen of the town of Nashville, be, and they are hereby authorized to raise money on loan, by pledging the faith of the Corporation, by pledging a portion of its taxes by mortgage or otherwise, as to them may seem best, to an amount not exceeding what may be demanded for the calls upon the stock aforesaid; and said loan may be created for such length of time, and payable in such manner as to the said Mayor and Aldermen may be deemed best.

SEC. 3. *Be it enacted*, That the said Mayor and Aldermen, be, and they are hereby authorized, if to them it shall seem best, instead of making a loan as aforesaid, for the whole amount of said calls, or any part thereof, to issue the bonds of said Corporation, under its corporate seal, to be signed by its Mayor, and countersigned by its Recorder, for the whole or any part of said calls, which may be made from time to time by said Rail Road Company on said stock.

SEC. 4. *Be it enacted*, That the bonds so to be issued, shall be in sums not less than five hundred dollars each, that they shall not bear a greater rate of interest than six per centum, per annum, and shall not be payable at a greater distance of time from their respective dates than thirty years.

SEC. 5. *Be it enacted*, That a like privilege of subscription, and a like power to issue bonds, and to raise

money on loan, be extended to the following incorporated towns, to wit: Murfreesborough, Shelbyville, and Winchester. *Provided*, That the Mayor and Aldermen of the town of Murfreesborough, Shelbyville and Winchester may issue bonds for their stock, or in negotiating loans under this act, of a denomination as low as one hundred dollars.

Same powers to Murfreesborough, Shelbyville and Winchester.

F. BUCHANAN,
Speaker of the House of Representatives.
J. M. ANDERSON,
Speaker of the Senate.

Passed, December 9, 1847.

CHAPTER XXVII.

An Act to revive and amend the Charter of the Gallatin and Cumberland Turnpike Company, passed, January 13, 1844.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the name of the Gallatin and Cumberland Turnpike Company be changed, and that from and after the passage of this act, said company shall be known and designated by the name of the Gallatin and Ridge Turnpike Company, by which name it may sue and be sued, plead and be impleaded.

Name changed

SEC. 2. *Be it further enacted*, That said Company be, and they are hereby allowed the further time of two years, from the first day of January, 1848, for the completion of their said road.

Time to complete road, extended.

SEC. 3. *Be it further enacted*, That said road shall be graded to five degrees.

SEC. 4. *Be it further enacted*, That so soon as said Company shall have completed five miles of their said road, commencing at the town of Gallatin, according to the terms of their original Charter, and this amendment thereto, they shall be authorized to erect one gate, and receive tolls thereat, and one other gate when the whole of said road shall be completed.

Erection of gates.

F. BUCHANAN,
Speaker of the House of Representatives.
J. M. ANDERSON,
Speaker of the Senate.

Passed, November 10, 1847.

CHAPTER XXVIII.

An Act to incorporate the Town of Trenton in the county of Gibson.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the town of Trenton, in the county of Gibson, and the inhabitants thereof, be, and they are hereby constituted a body politic and corporate, by the name and style of the Mayor and Aldermen of the town of Trenton, and by that name and style shall have succession for ninety-nine years, and may have and use a common seal, and may by the name and style aforesaid, sue and be sued, plead and be impleaded; may have, hold, and purchase property, either real, personal, or mixed, and may grant, sell, and dispose of the same, for the use and benefit of said town.

SEC. 2. *Be it enacted,* That the corporation of the town of Trenton shall be bounded as follows, to wit: Beginning at the Northwest corner of the town, as designated on the original plap of said town, which plan is registered in the Register's office of Gibson county, in Book B. page 89, running thence East one hundred and fourteen poles to a stake—thence South two hundred and two poles to a stake—thence West one hundred and fourteen poles to a stake—thence North two hundred and two poles to the beginning.

SEC. 3. *Be it enacted,* That on the first Saturday in January in each and every year, the Sheriff of Gibson county, shall, by himself or deputy, open and hold an election, at the Courthouse in the town of Trenton, after giving ten days notice, for the purpose of electing a Mayor and six Aldermen, a Town Constable and a Recorder of said Corporation, who shall respectively hold their offices for twelve months and until their successors are elected and qualified into office; and the Mayor and Aldermen, the Town Constable and Recorder so elected, shall respectively possess and exercise all the rights, powers and privileges, which are conferred upon the Mayor and Aldermen, the Town Constable, and Recorder of the town of Jackson, in the county of Madison, by an act passed on the 16th day of December, 1845, entitled "an act to incorporate the town of Jackson, in the county of Madison," and said election shall be conducted under the rules, regulations and restrictions, prescribed in said act, and the voters possess the same qualification, and the officers, when elected, be subject to the same duties and liabilities, and governed in all things, by the rules, regulations and restrictions prescribed in said act incorporating the town of Jackson,

which act is incorporated into, and made a part of this act, so far as it applies to the town of Jackson.

SEC. 4. *Be it enacted*, That the Mayor and Aldermen of the town of Trenton, when elected, shall have the control of six acres and a half of land adjoining said town on the North, conveyed to said town for a common, and also the graveyard belonging to the town, with power to enclose, or otherwise improve the same, and to impose fines and penalties on all persons who may trespass thereon, not inconsistent with the Constitution and laws of the State. Commons and Grave Yard.

SEC. 5. *Be it enacted*, That if the Sheriff of Gibson county should fail to hold an election on the first Saturday of January in each and every year, as provided for in the third section of this act, he may hold said election at any other time; and that this act shall take effect from the date of its passage. Sheriff hold election.

F. BUCHANAN,
Speaker of the House of Representatives.
J. M. ANDERSON,
Speaker of the Senate.

Passed, December 14, 1847.

CHAPTER XXIX.

An Act directory to the Commissioners of the Bean Station Turnpike Road.

Be it enacted by the General Assembly of the State of Tennessee, That the Commissioners of the Bean Station Turnpike Road pay to Charles McNally, out of the tolls on said road, the balance due him on settlement of his accounts as commissioner of said road for the year ending on the first of December, 1844, together with interest on said balance from the first of January 1845, until paid.

F. BUCHANAN,
Speaker of the House of Representatives.
J. M. ANDERSON,
Speaker of the Senate.

Passed, December 19, 1847.

CHAPTER XXX.

An Act to authorize Sheriffs, Clerks and other collectors of the public revenue to deposit monies of the State in the Bank of Tennessee.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Sheriffs, Clerks, and other collectors of the public revenue of the State may hereafter, during any time in their fiscal year, deposit any monies they may have collected for the State, in the Bank of Tennessee, or any of its Branches, to the credit of the Treasurer of the State; and upon such deposit being made by any of the above named officers, it shall be the duty of the cashier of said Bank or Branch, to issue to such officer, a certificate of deposit for the same, stating the amount of money deposited by him to the credit of the Treasurer of the State, which certificate of deposit shall be received by the Comptroller from the officer making such deposit, on settlement at the end of his fiscal year, or at any other time he may be required to pay over the public monies in his hands to the Treasurer of the State, as so much money.

Cashier to give notice to Treasurer and Comptroller. SEC. 2. *Be it enacted*, That whenever any deposits are made, in pursuance of the first section of this act, it shall be the duty of the cashier of said Bank or Branch to enter the same to the credit of the Treasurer of the State, and give him and the Comptroller notice thereof.

Bankable notes received. SEC. 3. *Be it enacted*, That said Bank or Branch shall receive from any of the officers named in the first section of this act, any kind of Bank notes that said Bank or Branch may be receiving on deposit at the time, in her ordinary business transactions.

F. BUCHANAN,
Speaker of the House of Representatives.

J. M. ANDERSON,
Speaker of the Senate.

Passed, December 23, 1847.

CHAPTER XXXI.

An Act to give to the Districts formerly composing Putnam county their just proportion of School Funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the balance of School Fund apportioned to Putnam county for the year 1844, and remaining undrawn from the Treasury, be paid to the

trustees of the counties of White, Overton, and Jackson *pro rata*, according to scholastic population, as returned for 1844, and that the same be applied to the exclusive benefit of the fractions of said counties, formerly composing Putnam counties.

School fund appropriated to fractions of White, Overton and Jackson.

SEC. 2. *Be it enacted*, That the School Fund due to Putnam county for 1845, and which has never been apportioned, or set apart at the Treasury, be taken from the next annual distributive School Fund of the State, according to the scholastic returns of the Putnam fractions of Overton, White and Jackson counties, filed with the Comptroller for 1845, and that the same be paid to the trustees of Overton, White, and Jackson counties, for the exclusive benefit of the fractions aforesaid.

F. BUCHANAN,

Speaker of the House of Representatives.

J. M. ANDERSON,

Speaker of the Senate.

Passed, December 17, 1847.

CHAPTER XXXII.

An Act requiring and authorizing the county Trustee of Maury county to distribute certain School monies.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the county Trustee of Maury county shall make a *pro rata* distribution of all the School monies now in his hands, or that may hereafter come into his hands under an act passed, January 26th, 1844, chap. 159, sec. 2, among all the school districts in said county, according to their scholastic population, in the same manner as the Superintendent of public instruction is now directed to do by law.

SEC. 2. *Be it enacted*, That the District Commissioners shall draw upon the county Trustee for their respective proportions of said funds, in the same manner that they now do for their respective shares of the annual dividends; and their orders shall be good vouchers in the hands of the county Trustee on settlement.

F. BUCHANAN,

Speaker of the House of Representatives.

J. M. ANDERSON,

Speaker of the Senate.

Passed, December 17, 1847.

CHAPTER XXXIII.

An Act to change the time of holding the Circuit Courts in the Counties of Benton and Carroll.

Be it enacted by the General Assembly of the State of Tennessee, That from and after the first day of February next, the Circuit Courts for the county of Benton, shall be held on the first Mondays in January, May and September; and that the Circuit Courts for the county of Carroll, shall be held on the second Mondays of January, May and September, in each and every year.

F. BUCHANAN,

Speaker of the House of Representatives.

J. M. ANDERSON,

Speaker of the Senate.

Passed, December 23, 1847.

CHAPTER XXXIV.

An Act to establish the boundary of the corporate limits of the town of Tazewell, in the county of Claiborne, and to extend the corporate limits of the town of Spencer, in the county of Van Buren.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That from and after the passage of this act, the corporate limits of the town of Tazewell, in the county of Claiborne, shall be as follows, to wit: Beginning at Russell's creek, where the Kentucky road crosses the same, running thence north-westwardly, with the Kentucky road, to the south end of Main street; thence along with the south end of said town, and the Knoxville road, north-westwardly to the top of the hill west of Tazewell; thence a northeast course, along the top of the hill, so as to include the grave yard, to a point four poles directly north of a spring, called the Posey Spring; thence along the north-east side of said spring branch, to Russell's creek; thence up Russell's creek with its meanders, to the point of beginning.

SEC. 2. *Be it further enacted,* That the corporate limits of the town of Spencer; in the county of Van Buren, be extended so as to include the present dwelling house and lot of land, on which John Gillentine now resides, adjoining said town, within the limits of said corporation.

Boundaries of Corporation.
Corporation to include John Gillentine.

SEC. 3. *Be it further enacted*, That any act, heretofore passed, which conflicts with this act, be and the same is hereby repealed. Former acts
repealed.

F. BUCHANAN,
Speaker of the House of Representatives.

J. M. ANDERSON,
Speaker of the Senate.

Passed November 1, 1847.

CHAPTER XXXV.

An Act to give to the County of Cannon a Director of the Bank of Tennessee.

Be it enacted by the General Assembly of the State of Tennessee, That one additional Director be added to the Bank of Tennessee, at Nashville, to reside in the county of Cannon, to be selected and appointed, as are the other Directors, and to possess the same powers, and be subject to the performance of the same duties.

F. BUCHANAN,
Speaker of the House of Representatives.

J. M. ANDERSON,
Speaker of the Senate.

Passed, December 1, 1847.

CHAPTER XXXVI.

An Act to alter the dividing line between the counties of Overton and Jackson.

Be it enacted by the General Assembly of the State of Tennessee, That the dividing line, between the counties of Overton and Jackson, be so changed as to run with the Cumberland river from where the said line first strikes the said river above Celina, to the Kentucky line.

F. BUCHANAN,
Speaker of the House of Representatives.

J. M. ANDERSON,
Speaker of the Senate.

Passed, December 9, 1847.

CHAPTER XXXVII

An Act for the relief of Martin Dill.

Be it enacted by the General Assembly of the State of Tennessee, That the Comptroller of the Treasury be directed to audit, and the Treasurer directed to pay to Martin Dill the sum of forty-five dollars and sixty-two and one-half cents, the amount of the jailor's fee for boarding Harriet Yates, a prisoner in the jail of Carroll county, on an indictment for murder, in the same manner as though said account had been presented in technical form.

F. BUCHANAN,

Speaker of the House of Representatives.

J. M. ANDERSON,

Speaker of the Senate.

Passed, November 18, 1847.

CHAPTER XXXVIII.

An act for the relief of the Executor or Administrator of Matthew Woodson, deceased.

Be it enacted by the General Assembly of the State of Tennessee, That the sum of forty-seven dollars and ninety-four cents, be, and the same is hereby allowed to the executor or administrator of Matthew Woodson, deceased, for money paid by said Woodson to the Entry-taker of Fayette county, on Entry No. 179, for three hundred and eighty-three and a half acres of land, which said entry was afterwards declared to be void, and that said sum be paid on the warrant of the Comptroller, out of any money in the Treasury not otherwise appropriated.

F. BUCHANAN,

Speaker of the House of Representatives.

J. M. ANDERSON,

Speaker of the Senate.

Passed, December 22, 1847.

CHAPTER XXXIX.

An Act prescribing at what time the acts of the General Assembly shall take effect, where not otherwise directed.

Be it enacted by the General Assembly of the State of Tennessee, That hereafter, no general law, passed at any session of the General Assembly, shall go into operation, or have any binding effect, until after the expiration of forty days after its passage, unless otherwise provided in the act declaring such law.

F. BUCHANAN,

Speaker of the House of Representatives.

J. M. ANDERSON,

Speaker of the Senate.

Passed, November 16, 1847.

CHAPTER XL.

An Act to revise and amend an act, entitled, "An act to authorize the building a bridge at or near the junction of Broad and Water streets, in the city of Nashville, across the Cumberland river," passed December 17th, 1845.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee, That the above recited act of Assembly, be, and the same is hereby revived; and that the subscribers to the capital stock of said bridge, be vested with all the rights, privileges and powers, which were granted by the said act, which is hereby revived.* Former act revived.

SEC. 2. The said subscribers, who shall be deemed to constitute the Broad Street Bridge Company, which was created by said act of Assembly, may have, the further time of one year from the adjournment of this General Assembly to begin the building of the bridge authorized to be built by the act which this is intended to amend, and till the first day of January, one thousand eight hundred and fifty-two, to complete the same. Further time for completion,

SEC. 3. So soon as the sum of thirty-five thousand dollars shall have been subscribed, said company shall be invested with all the rights, privileges and powers which were granted by the act hereby revived and amended.

F. BUCHANAN,

Speaker of the House of Representatives.

J. M. ANDERSON,

Speaker of the Senate.

Passed, November 20, 1847.

CHAPTER XLI.

An Act directing the Comptroller to issue ~~his~~ warrant to the President of West Tennessee College for forty thousand dollars, belonging to said Institution.

Be it enacted by the General Assembly of the State of Tennessee, That the Comptroller of the Treasury is hereby required to issue his warrant to the President and Trustees of the West Tennessee College at Jackson, in the county of Madison, for the sum of forty thousand dollars, arising from the entries and sales of the public lands South and West of the Congressional Reservation line, set apart for that purpose by an act of Congress, approved August the 7th, 1846.

F. BUCHANAN,

Speaker of the House of Representatives.

J. M. ANDERSON,

Speaker of the Senate.

Passed, November 5, 1847.

CHAPTER XLII.

An Act to attach the county of Robertson to the Nashville Bank District, and for other purposes.

Be it enacted by the General Assembly of the State of Tennessee, That the county of Robertson, be, and it is hereby attached to the Nashville Bank District, and that there be a Director for said county in the Bank of Tennessee, who shall be appointed as other directors are now appointed, and that he have all the powers, privileges, and immunities of other Bank Directors in said Bank, and that he be subject to the same rules, regulations, and restrictions that the other Directors in said Bank are subject to.

F. BUCHANAN,

Speaker of the House of Representatives.

J. M. ANDERSON,

Speaker of the Senate.

Passed, December 20, 1847.

CHAPTER XLIII.

An Act to incorporate the Mutual Protection Insurance Company of Nashville, and also the Mutual Insurance Company of Memphis.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That there shall be established in the city of Nashville an Insurance Company, which shall be a body politic and corporate, to be called the "Mutual Protection Insurance Company" of Nashville, of which, C. J. F. Wharton, A. B. Robertson, C. Connor, A. O. P. Nicholson, James P. Clarke, Nicholas Hobson, John Waters, J. A. McAlister, P. B. West, John H. Ewin, Wm. T. Berry, Elihu S. Hall, Alexander Fall, Merritt S. Pilcher, Andrew Hynes, J. M. Hughes, Henry Ament, G. W. G. Payne, Joseph Edwards, J. G. Shepherd, A. W. Putnam, R. H. McEwen, Lewis Lanier, George W. Martin, Samuel Seay, Joseph B. Knowles, John B. Johnson, Stephen D. Watkins, B. H. Sheppard, James Morton, N. D. Carson, Jacob McGavock, Dempsey Weaver, Granville P. Smith, and B. R. McKennie, shall be the first trustees, and such other persons as may hereafter associate with them, by having their property or lives insured, shall be members equally entitled to a full participation in all dividends. Incorporation.

SEC. 2. *Be it enacted*, That in addition to the general powers and privileges of a corporation, the corporation hereby created shall have power by instruments under seal or otherwise: Powers.

1st. To make Insurance upon Vessels, Freights, Goods, Wares, Merchandize, Specie, Bullion, Jewels, Profits, Commissions, Bank Notes, Bills of Exchange, and other evidences of Debt, Bottomry and Respondentia Interests; and to make all and every insurance connected with Marine risks, and risks of transportation and navigation. What may be insured.

2d. To make Insurance on Dwelling Houses, Stores, and all kinds of Buildings, and upon Household Furniture, Merchandize and other property against loss or damage by Fire.

3d. To make Insurance on Lives.

4th. To cause themselves to be re-insured, when deemed expedient, against any risk or risks upon which they have made or may make Insurance.

SEC. 3. *Be it enacted*, That all the corporate powers of the said company shall be exercised by a board of trustees and such officers, clerks, and agents, and other persons, as said trustees may appoint from time to time. Trustees shall be elected as hereinafter mentioned. It Organization.

shall be their duty on organizing the company to choose a president and vice president to act until the second Tuesday in February, after the period for making the first dividend statement required by this act, and annually on the second Tuesday in February thereafter, who shall also be *ex officio* trustees, and are to have equal power with the other trustees in voting on all questions, and in determining all matters relating to the company.

SEC. 4. *Be it enacted,* That the trustees, president and vice president, shall hold their respective offices for the periods herein named, and until others are chosen in their stead; the secretary, clerks, agents and other persons, during the pleasure of the trustees.

SEC. 5. *Be it enacted,* That the board of trustees shall have power by by-laws to declare from time to time what number of trustees less than a majority shall be a quorum for the transaction of business: but such quorum shall not be less than nine of said trustees; and also to make such other by-laws as may be deemed necessary for the government of the officers and the conduct of their affairs.

SEC. 6. *Be it enacted,* That vacancies happening in the board of trustees or in the number of inspectors or officers, by death, resignation, or continued absence from the United States, exceeding twelve months, may be filled for the remainder of the term by the board of trustees.

SEC. 7. *Be it enacted,* That it shall be the duty of the thirty-six trustees named in the first section of this act, or the duty of any five of them, within two years after the passing of this act, to open a book to receive applications for insurance, and after receiving applications for insurance, to be approved by them, amounting to two hundred thousand dollars, the book may be closed and the company may be organized. It shall also be the duty of the said thirty-six trustees, or the duty of any five of them, to appoint three inspectors of the first election.

SEC. 8. *Be it enacted,* That the board of trustees shall divide themselves into four classes; the term of the first class shall expire on the second Tuesday in the month of February after the period for making the first dividend statement required by this act, or as soon thereafter as others are elected in their stead: the term of the following classes shall expire successively on the second Tuesday in February of the following years, or as soon thereafter as others are elected in their stead. Nothing herein contained shall prevent the re-election of a trustee.

SEC. 9. *Be it enacted*, That notices for annual elections of trustees, to hold their offices for four years, and until others are elected, and for three inspectors of the next election, are to be given in one or more of the public city papers by an officer of the company, one week prior to each annual election, to be held at such time and place as may be designated by the board of trustees or by the president and vice president, in case of the omission of the trustees to designate the same. Election of Trustees.

SEC. 10. *Be it enacted*, That at every election for trustees when the certificates authorized to be issued under this act, as hereinafter mentioned, do not amount to fifty thousand dollars over and above the reductions thereon, each person having in his possession and producing at the poll, a policy or policies of insurance not marked off, made by the company between the day of and the thirty-first day of December of the year next preceding the election, directly in his own name, or in the name of a firm of which he is a partner, the premiums on which shall amount to fifty dollars, such person shall be entitled to a vote; and in case the premiums on such policy shall have exceeded fifty dollars, such person shall be entitled to an additional vote for each fifty dollars of such excess. Premium over \$50 entitling to a vote.

SEC. 11. *Be it enacted*, That each person having in his possession and producing at the poll a certificate or certificates of earnings amounting to fifty dollars, issued by the company in his own name, or in the name of a firm of which he is a partner, which certificate of earnings shall not have been discharged by payments nor cancelled by losses and expenses, shall be entitled to a vote; and in case the certificate or certificates of earnings so produced shall exceed fifty dollars, the holder thereof shall be entitled to an additional vote for each fifty dollars of such excess. Persons may vote by proxy, if the proxy is accompanied by the before mentioned evidence of the right so to vote. One person only shall be allowed to vote at the same election on the same documents. And in case of a failure to elect, from the number of votes being equal, a new election is to be held to fill the undetermined places. Earnings over \$50 entitling to a vote.

SEC. 12. *Be it enacted*, That the company, for the better security of its dealers, may receive notes for premiums in advance, of persons intending to receive its policies, and may negotiate such notes for the purpose of paying claims or otherwise, in the course of its business; and on such portions of said notes as may exceed the amount of premiums paid by the respective signers thereof, at the successive periods when the company shall make up Notes received for premiums.

its annual statement, as hereinafter provided for; and on new notes taken in advance thereafter, a compensation to the signers thereof, at a rate to be determined by the trustees, but not exceeding five per cent. per annum; may be allowed and paid from time to time.

Dividend statements. SEC. 13. *Be it enacted*, That no separate dividend statement shall be required for the part of the year following the day on which the company shall have issued and dated its first policy; but after that period an annual dividend statement shall be made, which shall contain a fair estimate of the nett profits of the company, not before divided, up to and including the last day of December of each year, taking into view the probable amount to be paid on all claims and demands which have been or may be made against the company, and allowing for any previous deficiencies. Such annual statement shall be completed in the month of January succeeding the period to which it relates; and after ascertaining in this mode the nett profits of each period on risks marked off, the board of trustees may declare a dividend, and the officers of the company may issue certificates of a certain per centum on the premiums received, for such marked off risks, to the persons in whose names the policies of insurance were originally made, or to their representatives; which certificates may be issued as hereinafter provided for, and the amounts named in such certificates shall be conclusive on the parties entitled to receive them, at such periods, and not to be changed by subsequent events, showing the actual payments to be more or less favorable than the estimates; and the said certificates shall be transferable only on the books of the company, under regulations to be prescribed in the by-laws, and shall contain a proviso declaring the same to be subject to any future losses and expenses of the company, until the same are redeemed, as is hereinafter provided for, and subject to be reduced by the board of trustees, in case of losses and expenses, in any subsequent year, exceeding the estimated profits of such year.

No certificate to issue for less than \$10. SEC. 14. *Be it enacted*, That no original certificate shall be issued for a less sum than ten dollars, nor for the fractional sums between even tens of dollars; all such sums are to be passed to the contingent accounts of the company.

May withhold certificates for debt. SEC. 15. *Be it enacted*, That in case any person or persons, entitled to a certificate, shall be indebted to the company for sums passed, due and unpaid, the company may withhold the certificate and deduct such sum or sums from the amount thereof, or reduce or cancel the

same; but persons insuring, or entitled to certificates, shall not be answerable by reason thereof, or of anything contained herein, except for the payment of premiums, or other notes given in advance for premiums.

SEC. 16. *Be it enacted*, That it shall be lawful for said company to invest their funds, or any part thereof, in bonds and mortgages on unincumbered real estate, within the State of Tennessee, worth fifty per cent. more than the sum loaned thereon, and also in all or any stocks created by, or under the laws of this State or of the United States; and to lend the same, or any part thereof on the security of such stocks, and on bottomry and respondentia, or otherwise, and to change and re-invest the same; and it shall be lawful for said company from time to time to divide such part of the accruing interest as they may deem equitable, not exceeding six per cent. per annum, to and among the holders of such certificates; or in case of losses, to declare a *pro rata* deduction of the amount of the outstanding certificates. Original certificates may be called in by the company, and new ones issued in their stead, less the proper reduction. All certificates and interest in the company shall be deemed personal property.

May invest
funds in bonds
and mortgages.

SEC. 17. *Be it enacted*, That on the thirty-first day of December of the second year after the day on which the first policy of the company shall have been issued and bear date, or within one month thereafter, and on the thirty-first day of December, or within one month thereafter, of every subsequent year, the company shall cause to be made a general balance statement of their affairs to the end of such year, which shall be published immediately thereafter in one or more papers published in Nashville, containing:

Annual bal-
ance state-
ments to be
published.

1st. The amount of premiums received during the first part of a year and the second year united, and each successive year, specifying what amount was received on policies on fire risks, and what amount was received on policies on marine risks, and what amount received on policies on life risks.

2d. The amount of losses paid during the year, specifying the amount paid on policies on fire risks, and the amount paid on policies on marine and inland transportation risks, and the amount paid on policies on life risks.

3d. The balance remaining with the company.

4th. The nature of the security on which investments have been made, stating the amount invested in bonds and mortgages, and the amount invested in other securities, and the amount of premiums, notes and cash on

hand; a copy of which statement shall be kept ready for the examination of the members.

SEC. 18. *Be it enacted,* That the per centage of the profits accruing on the business of the company, and the dividends which may be declared on the investments, are to be published for one week after each is declared, in two of the public daily papers within this State.

SEC. 19. *Be it enacted,* That whenever the accumulation of the nett profits of the company shall exceed one hundred thousand dollars, the excess may be applied from year to year, or semi-annually thereafter, towards the redemption of each year's certificates, in whole or in part, as may be determined on by the board of trustees, but the certificates of a subsequent year are not to be redeemed until those of a preceding are provided for; and when such accumulation shall exceed two hundred thousand dollars, it shall be the duty of the trustees to apply such latter excess towards the redemption of certificates, in whole or in part, in the manner above specified.

SEC. 20. *Be it enacted,* That suits at law or in equity may be prosecuted and maintained by any member against the corporation; but no member of the corporation, not being in his individual capacity a party to such suit, shall be incompetent as a witness.

SEC. 21. *Be it enacted,* That the operations and business of this corporation shall be carried on at such place in the city of Nashville as the trustees shall direct; and agencies may be established at such other place or places as the said trustees may deem expedient.

SEC. 22. *Be it enacted,* That the Legislature shall have power at any time hereafter to repeal, alter or modify this act or any of its provisions.

SEC. 23. *Be it enacted,* That this act shall take effect immediately after its passage, and continue in force thirty years and no longer, unless authorized by the Legislature of this State.

SEC. 24. *Be it enacted,* That there shall be established in the city of Memphis, an Insurance Company, which shall be a body politic and corporate, to be called the "Mutual Protection Insurance Company of Memphis," of which Wardlow Howard, William Houston, W. W. Hart, John K. Chester, A. O. Harris, J. L. Webb, M. B. Winchester, Seth Wheatley, Samuel Tate, W. B. Miller, B. Graham, G. B. Locke, Robert J. Nelson, Jesse M. Tate, R. C. Malone, A. R. Huron, Joseph S. Watkins, George W. Smith, John Pope, John D. White, John B. Holmes, James S. Lemaster, A. S. Norton, Q. C. Atkinson, S. O. Ballard, D. M. Deade-

rick, Miles Owen, H. H. Means, W. D. Wilkerson, Thomas W. Wilkerson, Lewis Shanks, William T. Brown, Samuel Bond, S. D. Key, and G. Buntyn shall be the first Trustees; and such other persons as may be hereafter associated with them, by having their property or lives insured, shall be members equally entitled to a full participation in all dividends.

SEC. 25. *Be it enacted*, That the said Mutual Protection Insurance Company of Memphis, shall have all the powers and privileges, and be subject to the same rules, regulations and restrictions, as are contained in the foregoing act incorporating the Mutual Protection Insurance Company of Nashville. Same privileges as Nashville Company.

F. BUCHANAN,
Speaker of the House of Representatives.
J. M. ANDERSON,
Speaker of the Senate.

Passed, December 29, 1847.

CHAPTER XLIV.

An Act to incorporate the Indian Creek Turnpike Company.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the subscribers for the stock hereinafter mentioned, shall be, and they are hereby constituted a body politic and corporate by the name and style of the Indian Creek Turnpike Company, and by that name they may sue and be sued, plead and be impleaded, and shall have a common seal, and succession for ninety-nine years. Incorporation.

SEC. 2. *Be it enacted*, That J. J. Gibson, John Kerwin, Martin Cook, A. Montague, George F. Benton, John Hardin, J. L. Smith, John S. Broyles and Thompson Hurst, or any five of them, be, and they are hereby appointed commissioners to open books to receive subscriptions for stock in said company, at such times and places as they may think best, after giving due notice of the same. Commissioners to open books.

SEC. 3. *Be it enacted*, That the capital stock of said company shall be seventy-five thousand dollars, which sum shall be divided into shares of fifty dollars each, to be applied to making a McAdamized turnpike road, from the town of Waynesborough, in Wayne county, to the town of Savannah, in the county of Hardin, beginning at or near Waynesborough, and running in the di- Capital stock.

rection of the main road now running from Waynesborough to Savannah.

SEC. 4. *Be it enacted,* That J. J. Gibson, John Ker-
Commissioners to locate road. vin, Martin Cook, A. Montague, G. F. Benton, John
 Hardin, J. L. Smith, John S. Broyles, and Thompson
 Hurst, or any five of them, shall be commissioners to
 locate said road, pursuing the direction of the old road,
 as mentioned in the third section.

SEC. 5. *Be it enacted,* That when twenty-five thou-
May organize when \$25,000 is subscribed. sand dollars shall be subscribed, a meeting of the sub-
 scribers shall be held in the town of Savannah, of which
 meeting due notice shall be given the subscribers, and
 when assembled, they may proceed to elect directors, and
 pass by-laws, and fully organize said turnpike company.

SEC. 6. *Be it further enacted,* That the said road shall
Description of road. be graded at least eighteen feet wide, with sufficient
 ditches on each side, to carry off the water, and drain
 the same, and shall gradually descend from the centre
 to said ditches, and shall be substantially paved with
 gravel or broken stone, at least fifteen feet wide, and
 shall have substantial bridges when necessary, and in
 all respects be completed in a substantial turnpike road-
 like manner, with a grade not to exceed five degrees.

SEC. 7. *Be it further enacted,* That said company
Time to com- plete road. shall have eighteen months from the passage of this act
 to commence said road; and they shall have two years
 thereafter, within which to complete the first five miles
 of said road, and six years thereafter within which to
 complete the whole of said road, with the privilege of
 putting up a gate, so soon as five miles of said road is
 finished, and a second gate when ten miles is finished,
 and so on, a gate for every five miles of said road when
 finished; at which gates such toll may be charged, and
 received as is now provided by law for toll on the Co-
 lumbia Central turnpike road.

SEC. 8. *Be it enacted,* That the stock in said company
Transfer of stock. may be transferred in such manner as is provided by
 law in regard to the stock of other turnpike companies,
 and that the first election for directors shall be held as
 provided in the fifth section of this act; and ever there-
 after on the first Monday in January in each and every
 year; and in all other respects, said company shall have
 the same powers and modes of procedure, and be sub-
 ject to the same rules and restrictions, in regard to the
 stockholders failing to pay; to damages to persons whose
 land said road may run on, and in all other respects, and
 in regard to other matters, as is provided in regard to
 the Columbia Central turnpike company.

SEC. 9. *Be it further enacted,* That it shall be lawful

for said corpportion to have, hold, and purchase all such real estate, as may be necessary for toll gates and for other purposes contemplated in this act, and to enter upon and possess the same. May hold real estate.

SEC. 10. *Be it enacted*, That said company shall have all the rights, benefits, and privileges that are by law conferred on the said Columbia Central turnpike company.

SEC. 11. *Be it enacted*, That if said company shall fail or refuse to comply with the provisions of this act, in completing said road, and keeping the same in good repair, for the whole term of ninety-nine years, then and in that case their charter shall be forfeited. Charter—how forfeited.

SEC. 12. *Be it further enacted*, That the said Indian Creek Turnpike Company, when fully organized, shall have the benefit of the old road now running from Waynesborough to Savannah.

SEC. 13. *Be it enacted*, That the commissioners shall have a discretionary power to grade said road to any width they may choose, between eighteen and twenty-four feet; and all neighborhood travelling for neighborhood purpose, shall be exempt from paying toll. Who exempt from tolls.

F. BUCHANAN,

Speaker of the House of Representatives.

J. M. ANDERSON,

Speaker of the Senate.

Passed, December 22, 1847.

CHAPTER XLV.

An Act for the protection of Public Buildings.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That to cut, write upon, deface, disfigure, or damage any part or appurtenance of the State House, or any other building belonging to the State, or of a court house, or any other building belonging to any of the counties in this State, shall be a misdemeanor, punishable by fine not exceeding fifty dollars, or imprisonment not exceeding ten days, or by both fine and imprisonment, within said limits.

SEC. 2. *Be it enacted*, That the Foreman, or any of the free white workmen engaged in the erection of the State House, or the person who shall be assigned to keep the same after completion, or any official occupant Who may arrest offenders.

of that, or any other building, belonging to the State, or to any of the counties in this State, shall arrest any person found committing this offence, and carry such offender before a Justice of the Peace of the county; or any of said persons, or any citizen may complain to a Justice of the Peace, and demand a warrant for the arrest of such offender.

Offenders—
how proceeded
against. SEC. 3. *Be it enacted*, That when brought before a Justice of the Peace the accused may plead guilty, and in such case, may be fined or imprisoned, or both, at the discretion of the Justice within said limits; but if the accused refuse to plead guilty, the Justice shall examine the case, and shall discharge the accused, or bail, or commit him to appear in the Criminal or Circuit Court of the county, to answer said charge, and shall file the papers in the Clerk's office of said court.

SEC. 4. *Be it enacted*, That the Attorney General, on finding such papers in the office of the Clerk, shall file an indictment *ex officio*, and without a prosecutor.

SEC. 5. *Be it enacted*, That it shall be the duty of grand jurors to make presentment of this offence, when it comes within the knowledge of any one of them; and the Circuit and Criminal Judges of the State shall give this act in charge to the grand juries.

F. BUCHANAN,

Speaker of the House of Representatives.

J. M. ANDERSON,

Speaker of the Senate.

Passed, January 11, 1848.

CHAPTER XLVI.

An Act authorising the County Courts to appoint Commissioners to contract for the making of county plans, and for other purposes.

Commissioners
to contract for
making map. SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the several County Courts in this State, lying south and west of the congressional reservation line, shall have the power, at their April term 1848, or at some quarterly term thereafter, a majority of all the Justices being present, to appoint three commissioners, whose duty it shall be to contract with and employ the Entry Taker, or some other person who is fully competent, to make out a complete map or plan from the Surveyor's and Entry Taker's books, fairly re-

presenting all the entries heretofore made in their county; and such person, so employed, shall have access to all the books and papers in the offices of the Entry Taker and Surveyor, necessary for the completion of said map.

Sec. 2. *Be it enacted*, That where a map or plan has heretofore been made, it shall be the duty of said commissioners to examine the same, and if they shall find said map correct, fairly representing all the entries in their county, then, and in that case, it shall not be necessary to contract for the making of another. Commissioners to examine map.

Sec. 3. *Be it enacted*, That it shall be the duty of the Entry Taker, in each county in this State, south and west of the congressional reservation line, to have entered on said plan, all the entries that may hereafter be made in his county, and shall report from year to year, to the Revenue Collector of his county, the amount of all the lands held by grant or entry in his county. Duties of Entry-Taker.

Sec. 4. *Be it enacted*, That said commissioners shall decide the scale by which said plan shall be made, not exceeding two hundred poles per inch; and after said plan shall have been completed, it shall be the duty of said commissioners to examine said plan; and if it be made agreeable to contract, said commissioners shall report the same to the County Court; and said court shall appropriate to the person making said plan, the amount agreed upon, out of any money in the county treasury, not otherwise appropriated; and may from time to time, make such appropriations as will be reasonable compensation to said commissioners for the services they are required to perform by the provisions of this act. Court may make appropriation.

Sec. 5. *Be it enacted*, That in all cases where any person or persons had entered his, her or their bid for any of the vacant and unappropriated lands lying south and west of the congressional reservation line, and had paid in their money on said bid, under the provisions of an act, passed November 17th, 1845; and where the sales had not taken place, under the provisions of said act, previous to the passage of the act, passed 2nd day of November, 1847, then and in such case, it shall be the duty of the several Entry Takers, so receiving such money, on such bid, to record the entry in the name of the person or persons so depositing their money, in pursuance of the act aforesaid, without any sale thereof, but strictly under the provisions of the act passed the 2nd day of November, 1847, such Entry Taker first retaining a sum sufficient to cover the fees of procuring a grant, and the balance, if any, to pay over to the person Entry authorized on payment of bid.

or persons paying the same into the office as aforesaid.

Resurveys
ordered.

SEC. 6. *Be it enacted*, That the sixth section of the act, passed 2nd day of November, 1847, be so construed as to authorize the Entry Takers of the different counties south and west of the congressional reservation line, to order resurveys, in cases where it shall appear to such Entry Taker, that the surveys heretofore made do not sufficiently describe the lands intended to be entered.

F. BUCHANAN,

Speaker of the House of Representatives.

J. M. ANDERSON,

Speaker of the Senate.

Passed, December 30, 1847.

CHAPTER XLVII.

An Act to incorporate the Franklin Female Institute in the county of Williamson.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the subscribers for stock in the Female Academy, in the town of Franklin, their successors and assigns, be, and they are hereby created a body corporate and politic, by the name and style of the Franklin Female Institute; and shall be capable, in that name, to purchase, receive, and hold any property, real, personal or mixed, which may be given, granted, sold, conveyed, or devised to them for the use and benefit of the Academy, and to use and dispose of the same, as they may think best for the benefit thereof; and by the name aforesaid to sue and be sued, plead and be impleaded, in any court of law or equity.

SEC. 2. *Be it enacted*, That William Maney, Meredith P. Gentry, Richard Alexander, William O. N. Perkins, R. C. Foster, Lemuel B. McConnico, John H. Otey, Richard A. Graham, Tilman F. Atkinson, Abram P. Maury, Mark Andrews, and William Park and their successors, shall be the managers of said Institution; and they shall have power to hold meetings, at such time and place, as they may see proper; to make by-laws, and do all other acts consistent with their duties as such managers; vacancies in their body, caused by death, resignation, or otherwise, shall be filled by the stockholders from among themselves, by election; and in default of such election, then such vacancies shall be filled by the remaining managers from among the stockholders.

Corporators
—their powers

SEC. 3. *Be it enacted,* That said corporation shall be governed in all things, not herein expressed, by the constitution, and such by-laws, rules and regulations as the managers may from time to time adopt.

SEC. 4. *Be it enacted,* That no stockholder shall be held liable for any sum of money beyond the amount of his subscription, nor shall the association have power to bind him for a larger sum.

F. BUCHANAN,

Speaker of the House of Representatives.

J. M. ANDERSON,

Speaker of the Senate.

Passed, December 29, 1847.

CHAPTER XLVIII

An Act to establish the Memphis Institute for the public and private inculcation and diffusion of the Arts and Sciences.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That there shall be hereby established, in the city of Memphis, and State of Tennessee, an Institution, to be styled and known as the "Memphis Institute," for the public and private inculcation and diffusion of the Arts and Sciences. Incorporation.

SEC. 2. *Be it further enacted,* That the "Memphis Institute" shall consist of a public and private department, and that each of them shall be divided and subdivided as may best comport with the public and private wants of society; and in such a manner as to embrace any one science or art, or any division or combination of them.

SEC. 3. *Be it further enacted,* That the "Memphis Institute" shall be under the government of twelve Election of Trustees. trustees, one half of whom shall be annually changed; but those who shall be removed by this act, shall be eligible to re-election.

SEC. 4. *Be it further enacted,* That the first board of trustees shall consist of the following gentlemen, viz: First board of meeting. Jephtha Fowlks, J. A. Wilson, P. G. Gaines, Joseph S. Watkins, William Connell, William Clark, Henry W. Anderson, Wm. Hill, W. A. Bickford, Sterling Fowlks, E. W. M. King, J. T. Trezvant, who shall have their first meeting on the first Wednesday of January succeeding the passage of this act, and shall organize for

the discharge of their duties by electing a President, Secretary and Treasurer.

Vacancies. SEC. 5. *Be it further enacted,* That the said board of trustees shall fill all vacancies which shall occur in their own body, by death, resignation, or otherwise, at the first meeting which shall be had after the occurrence of said vacancy; and that they shall have power to meet either by adjournment, or on three days notice, given by the Secretary, under the authority of the President, in one or more of the city newspapers, as often as the interest of the Institute shall require; and at any meeting, if a quorum shall not be present, those of them who shall be present, shall have power to adjourn the meeting to any other day as effectually, to all intents and purposes, as if the whole number were present.

Meetings.

Quorum. SEC. 6. *Be it further enacted,* That five of the said board of Trustees shall constitute a quorum for the discharge of business.

Board appoint professors. SEC. 7. *Be it further enacted,* That the said board of trustees shall elect or appoint the teachers or professors of said Institute—that they shall elect one of the said professors, President of the Institute; and that they shall make and enact such ordinances and by-laws as they may deem necessary for an efficient regulation and government of said Institute; and to do whatever else they may deem essential for its prosperity and usefulness, not incompatible with the laws of this State.

Name and powers of corporation. SEC. 8. *Be it further enacted,* That the said boards of Trustees, and their successors to be elected or appointed, as before specified, shall be and they are hereby erected and established, and declared to be one body politic and corporate, with succession for ninety-nine years in deed and in law, to all intents and purposes whatsoever, by the name, style and title of the "Memphis Institute," by which name and title they, the said Trustees and their successors shall be capable in law and in equity to take to themselves and their successors for the use of said Institute, any estate in lands, tenements, hereditaments, goods, chattels, moneys, or other effects by gift, grant, bargain, sale, will, devise, or bequest of any person or persons whatsoever; and the same lands, tenements, hereditaments, and estate, real and personal, to grant, bargain, sell, convey, demise, and place out on interest or otherwise dispose of for the use of said Institute, in such manner as to them shall seem most beneficial to the Institute, and by the same name to sue and be sued, plead and be impleaded in any court of law and equity, in all manner of suits or actions whatsoever; and generally by and in the same name, to do

and transact all and every the business touching or concerning the premises as fully and effectually as any natural person or body corporate within this State have power to manage their own concerns.

SEC. 9. *Be it further enacted*, That the said Trustees shall cause to be made for their use, one common seal, with such devices and inscriptions thereon as they shall think proper, under and by which all deeds, diplomas, certificates, and acts of the said corporation, shall pass and be authenticated, and the same seal, at their pleasure, to break and to devise a new one.

Seal.

SEC. 10. *Be it further enacted*, That the same board of Trustees, by the recommendation of the professor or professors of the private department, shall grant a diploma to any applicant, for a commendable competency in any one branch of science or art, and also for such proficiency in any number or combination of them; and for a special, a general or an honorary purpose. And the diploma so granted shall be signed by the President of the Institute, and by the professor or professors, as the case may require, and also by the President and Secretary of the board of Trustees, and when so signed and sealed, shall have all the authority and rights, influence and respectability, which is secured by law to the diplomas of any other institution of learning in the State.

Diploma.

SEC. 11. *Be it further enacted*, That no misnomer of the said corporation shall defeat any gift, grant, or bequest to or from said corporation, nor shall any misuser or nonuser of the rights, liberties and privileges hereby granted to the said corporation, create or cause a forfeiture thereof.

F. BUCHANAN,

Speaker of the House of Representatives.

J. M. ANDERSON,

Speaker of the Senate.

Passed, December 17, 1847.

CHAPTER XLIX.

An Act to fix the time for holding the Circuit Courts for the counties of Montgomery, Robertson, Dickson, Humphreys, Stewart and McNairy.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That after the first day of January, 1848, the Circuit Courts for the county of Montgomery shall be held on the second Mondays in Janu-
Courts—when held.

ary, May, and September; for the county of Robertson, on the second Mondays in February, June, and October; for the county of Dickson, on the fourth Mondays in February, June, and October; for the county of Humphreys, on the first Mondays in March, July, and November; for the county of Stewart, on the second Mondays in March, July, and November, in each and every year.

SEC. 2. *Be it enacted*, That the first Circuit Courts to be held, in each of the aforesaid counties, after the passage of this act, shall be held at the times heretofore provided for by law; and that all subsequent terms thereof shall be held at the times prescribed in the first section of this act.

SEC. 3. *Be it further enacted*, That the Circuit Courts for the county of McNairy shall be hereafter holden on the second Monday in March, July, and November; *Provided*, that the first term of said court shall be held on the fourth Monday in April next as heretofore prescribed by law.

McNairy
County Court
—when held.

F. BUCHANAN,

Speaker of the House of Representatives.

J. M. ANDERSON,

Speaker of the Senate.

Passed, January 11, 1848.

CHAPTER L.

An Act to authorize appeals from judgments of conviction, against slaves, before Justices of the Peace.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the owner of any slave, convicted before a Justice of the Peace, or before more than one Justice of the Peace, of any offence, now cognizable and punishable by Justices exclusively, may appeal from such conviction to the next Circuit Court of the county, on giving bond for the appearance of such slave in said court, there to abide the judgment thereof.

SEC. 2. *Be it enacted*, That this act shall take effect from its passage.

F. BUCHANAN,

Speaker of the House of Representatives.

J. M. ANDERSON,

Speaker of the Senate.

Passed, January 17, 1848.

CHAPTER LI.

An Act to change the line between the counties of Grainger and Jefferson.

Be it enacted by the General Assembly of the State of Tennessee, That the line between Grainger and Jefferson counties, be changed to run with the stage road from Joseph Shannon's to Isaac Barton's, so as to include the residence of James Barton, in Grainger county.

F. BUCHANAN,

Speaker of the House of Representatives.

J. M. ANDERSON,

Speaker of the Senate.

Passed, December 30, 1847.

CHAPTER LII.

An Act to give the counties of Perry and Decatur a Director in the Branch of the Bank of Tennessee at Trenton, and the county of Washington a Director in the Branch of said Bank at Rogersville.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the counties of Perry and Decatur, shall have a Director in the Branch of the Bank of Tennessee at Trenton, to be appointed in the same way, and have the same rights and privileges as the other Directors of said Branch.

Perry and Decatur allowed a director.

SEC. 2. *Be it enacted,* That the county of Washington is hereby allowed, and shall have a Director in the Branch of the Bank of Tennessee at Rogersville; to be appointed in the same manner, and to have the same rights and privileges, as the other Directors of said Branch Bank.

Washington allowed a director.

F. BUCHANAN,

Speaker of the House of Representatives.

J. M. ANDERSON,

Speaker of the Senate.

Passed, December 29, 1847.

CHAPTER LIII.

An Act to change the time of holding the Circuit Court of Franklin county.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Circuit Court for the county of Franklin, after the next term of said court, shall be held on the second Mondays in March, July and November.

SEC. 2. *Be it enacted*, That all process heretofore issued, or which may be hereafter issued from said court, **Process—when returnable.** returnable to the terms of said court, as heretofore fixed by law, be, and the same is hereby made returnable to the court as herein fixed.

SEC. 3. *Be it enacted*, That all laws coming in conflict with the provisions of this act, be, and the same **Conflicting laws repealed.** are hereby repealed.

F. BUCHANAN,

Speaker of the House of Representatives.

J. M. ANDERSON,

Speaker of the Senate.

Passed, December 30, 1847.

CHAPTER LIV.

An Act to amend an act entitled "an act to incorporate the Mill Creek Valley Turnpike Company, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the charter heretofore granted to the Mill Creek Valley Turnpike Company is hereby amended so as to allow said company to erect a gate, and receive tolls, at any point on said turnpike road, not nearer than two miles to the junction of said road with the Nolensville turnpike road; and that the said Mill **Gates and toll authorised.** Creek Valley Turnpike Company is hereby allowed to erect a gate and receive tolls for each additional five miles of said turnpike, so fast as the same shall be completed, and that five years shall be given to said Mill Creek Valley Turnpike Company, in which to complete ten miles of said turnpike road in addition to the time allowed to said company by the original charter; and that so much of the said original charter, as may come in conflict with this act, be, and the same is hereby repealed. **Time extended**

SEC. 2. *Be it enacted*, That F. W. Garrett and James

Robinson, of the county of McNairy, be, and they are hereby appointed commissioners on the part of the State, on a turnpike road granted to George G. Adams, J. L. Rushing and James Kerr by an act passed 12th December, 1843, chapter 31, to fill the vacancy of William Sceratt and John Lindsey, resigned; and said commissioners shall be governed by the provisions of the act aforesaid.

Commission-
ers of road in
McNairy.

F. BUCHANAN,

Speaker of the House of Representatives.

J. M. ANDERSON,

Speaker of the Senate.

Passed, January 11, 1848.

CHAPTER LV.

An Act for the Punishment of Small Offences.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That any person brought before a Justice may find offenders. Justice of the Peace for a misdemeanor, may plead guilty, whereupon the Justice shall hear the evidence, and fine the offender, according to the aggravation of his offence, not less than two dollars and not exceeding fifty dollars, together with the costs.

SEC. 2. The offender shall immediately pay the fine and costs, or give security to pay the same immediately, or immediately be imprisoned until he satisfy the fine and costs. Offender must pay cost or be imprisoned.

SEC. 3. One or more persons may become such security, by verbal acknowledgment before the Justice, or by sealed or unsealed writing to the Justice to that effect. Security-how given.

SEC. 4. If the offender give such security, the Justice shall forthwith issue execution against the offender and his security, or any of them, for the fine and costs, which execution shall be returnable to the Justice within thirty days, including the day of its issuance. Execution may issue.

SEC. 5. If the offence merit a fine exceeding fifty dollars, or imprisonment and fine of any amount, or imprisonment alone, or if the offence is punishable expressly by both fine and imprisonment, the Justice shall not render judgment against the offender, but shall proceed as usual. When judgment shall not be rendered.

Knowingly taking insufficient security a misdemeanor.

SEC. 6. The knowingly taking of insufficient security for the fine and costs, shall be a misdemeanor, for which the Justice shall be punished by discretionary fine.

Fine and cost to whom paid.

SEC. 7. The fine and costs, if paid before execution, shall be paid to the Justice, if paid after execution, to the officer having the same.

Sheriff and Justice to give bond.

SEC. 8. The Sheriff and every Justice of every county, before proceeding under this act, and within a reasonable time after its passage, shall execute bond with security to his County Trustee, for county use, with or without seal, or scroll and renewable biennially, in the penalty of five hundred dollars, conditional to pay to the County Trustee every fine received or collected, or which might have been received or collected by him under this act.

Failing to give bond a misdemeanor.

SEC. 9. Proceeding under this act without having executed such bond, or failing to execute, or to renew such bond, shall be a misdemeanor for which the Sheriff or Justice shall be punished by discretionary fine.

County Trustee to proceed against Sheriff or Justice.

SEC. 10. The County Trustee shall proceed against the Sheriff or Justice and his security or any of them, for a forfeiture of the condition of the bond required by the 8th section, by motion before a Justice of the Peace, giving five days' written or verbal notice, when, where, before whom, and for what the motion will be made, which motion shall be disposed of as other motions.

Trustee to give bond.

SEC. 11. Every County Trustee, before proceeding under this act, and within a reasonable time after its passage, shall execute bond with security to the Chairman of the County Court for county use and renewable biennially, in the penalty of twenty-five hundred dollars, conditioned to indemnify his county for any loss occasioned by breach of his duty, and to pay as lawfully directed, all fines received, or which might have been received by him, under this act.

Trustee proceeding without bond a misdemeanor.

SEC. 12. Proceeding under this act, without having executed such bond, or failing to execute or renew such bond, shall be a misdemeanor, for which the County Trustee shall be punished by discretionary fine.

Trustee—how proceeded against.

SEC. 13. The Chairman of the County Court shall proceed against the County Trustee, and his security, or any of them, for a forfeiture of the condition of the bond required by the 11th section, by motion, before the Circuit Court, giving five days' written or verbal notice, when, where and for what the motion will be made, which shall be disposed of as other motions.

Execution—to whom issued.

SEC. 14. Every execution under this act shall be addressed and delivered to the Sheriff, who shall pay the proceeds thereof, if the execution is not against the

County Trustee, to said Trustee, for county use, if the execution is against the County Trustee, the Sheriff shall pay the proceeds thereof into the County Court for county use.

SEC. 15. If any person commit a contempt of the Justice, during proceedings before him, under this act, the Justice shall fine the offender not less than one dollar and not exceeding ten dollars and the costs. If the fine and costs be not immediately paid, or if security be not given to pay the same immediately, the Justice shall forthwith imprison the offender, until he satisfy the fine and costs. If the offender give such security, the Justice shall immediately issue execution against the offender and his security or any of them for the fine and costs, which execution shall be returnable, addressed and delivered as is provided in the 4th and 14th sections. Contempt—how punishable.

SEC. 16. Security under the 15th section shall be given and taken as is provided in the 3d section.

SEC. 17. If the Sheriff shall fail to make due return of an execution under this act, addressed to and received by him, or to pay over the money on such execution, when the same is returned satisfied in whole or in part, or shall make a false or insufficient return on such execution, the County Trustee shall proceed against such Sheriff therefor, as is provided in the 10th section, for a breach of the 8th section. Sheriff—how proceeded against.

SEC. 18. For services under this act, the same fees and commissions shall be allowed as for similar services, under other acts. Fees.

SEC. 19. The costs of a proceeding under this act shall be paid by the county, when the offender is discharged from prison, by virtue of the law for the benefit of insolvents. When county to pay cost.

SEC. 20. Every Justice of the Peace shall keep a docket-book, in which shall be regularly docketed the name of the offender, the date of the proceeding, the description and date of the offence, the person against or upon whom the offence was committed, the plea of guilty, whether after hearing the evidence the plea was rejected, or the offender recognized to appear at court—if the plea was received, the judgment and its amount, both fine and costs, paid or not before execution—if not paid, names of security, date of issuance of execution, to whom issued and delivered, when returned, and what returned. Justice to keep docket.

SEC. 21. In effectuating this act, any Sheriff, Deputy Sheriff, Constable and person shall obey the command of the Justice, and every person shall obey the command of the officer. A violation of this section shall be a misdemeanor, punishable by discretionary fine. Officers to obey Justice.

SEC. 22. If any person proceeding under this act, abuse or exceed his power, or exercise power not granted, the injured party, by written petition, alleging the grievance and verified by his or his agent's affidavit, and addressed to the Circuit Judge of the county in which the proceeding is had, shall have writs of supersedeas and certiorari granted by any Circuit Judge, by which the proceeding shall be transferred to the Circuit Court of the county, and be there determined as though nothing had been done under this act.

SEC. 23. If the injured party obtaining writs of supersedeas and certiorari, give such bond and security for his appearance before the Circuit Court as is required in misdemeanors, he shall be discharged from custody under this act. If he do not give such bond and security, he shall be entitled to said writs, but he shall remain in custody until discharged by due course of law governing misdemeanors.

SEC. 24. The Circuit Judges shall give this act in charge to their respective grand juries.

SEC. 25. This act shall take effect from its passage, and every conflicting law is hereby repealed.

F. BUCHANAN,

Speaker of the House of Representatives.

J. M. ANDERSON,

Speaker of the Senate.

Passed, January 10, 1848.

CHAPTER LVI.

An Act to change the taxation of costs in certain cases.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That in all cases of malicious prosecutions, the court shall tax the prosecutor, as well with the costs of the defendant, as of the State.

SEC. 2. *Be it enacted,* That justices of the peace shall have the same power in taxing costs as is, by the above section, vested in the courts.

F. BUCHANAN,

Speaker of the House of Representatives.

J. M. ANDERSON,

Speaker of the Senate.

Passed, January 17, 1848.

CHAPTER LVII.

An Act to repeal an act, entitled "an act to amend the charter of the McMinnville, Woodbury and Murfreesborough Turnpike Company," passed, January 26, 1846.

Be it enacted by the General Assembly of the State of Tennessee, That an act passed, January 26, 1846, entitled "an act to amend the charter of the McMinnville, Woodbury and Murfreesborough Turnpike Company," be and the same is hereby repealed.

F. BUCHANAN,

Speaker of the House of Representatives.

J. M. ANDERSON,

Speaker of the Senate.

Passed, January 13, 1848.

CHAPTER LVIII.

An Act to amend the act of 1846, chapter 138.

Be it enacted by the General Assembly of the State of Tennessee, That the fourth section of the act of the General Assembly of the State of Tennessee, chapter 138, passed, January 31, 1846, entitled "an act to incorporate the Female Academy in the county of Maury, and for other purposes," be so amended that there shall be but five Trustees of the Big Spring Male Academy, in Bedford county, instead of twelve, as authorized by the act which this is intended to amend; and that Bluford Davidson, William Goggin, Randolph Newsom, Noah Scales, and Leroy W. Barrett, be, and they are hereby constituted said Trustees, any four of whom shall constitute a quorum to do business.

F. BUCHANAN,

Speaker of the House of Representatives.

J. M. ANDERSON,

Speaker of the Senate.

Passed, January 17, 1848.

CHAPTER LIX.

An Act to fix the fee for serving a warrant or summons, and to amend the act of 1835, chap. 27, sec. 1.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the fee of the constable, or other officer, serving a warrant or summons, shall be fifty cents for each defendant on whom the process shall be served.

SEC. 2. *Be it enacted,* That the act of 1835, chap. 27, sec. 1, be so amended, that the Treasurer elect, and his securities, may acknowledge the execution of the bond, now required by law, before any one of the Circuit Judges, or Chancellors of the State of Tennessee, which Judge or Chancellor may also administer the oath now required, to said Treasurer, in the same manner as the same is now done by Judges of the Supreme Court; and it shall be the duty of such Judge or Chancellor, to endorse upon the bond, in the same manner as is now the duty of Judges of the Supreme Court, which bond and certificate, shall be deposited as now required by law.

F. BUCHANAN,

Speaker of the House of Representatives.

J. M. ANDERSON,

Speaker of the Senate.

Passed, January 17, 1848.

CHAPTER LX.

An Act to amend an act, passed the 19th January 1846, incorporating the Grand Lodge of the Independent Order of Odd Fellows of the State of Tennessee, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That an act passed 19th January, 1846, incorporating the Grand Lodge of the Independent Order of Odd Fellows of the State of Tennessee, be, and the same is hereby, so amended, that the sum of twenty thousand dollars worth of property be increased to fifty thousand under the same conditions prescribed by the aforesaid act.

SEC. 2. *Be it enacted,* That whenever said Grand Lodge shall establish or charter a subordinate Lodge, the said subordinate Lodge is hereby invested with the separate right to an amount of real and personal property,

not exceeding the sum of ten thousand dollars, to the same extent and under the guards and restrictions of the aforesaid act of the 19th January, 1846.

SEC. 3. *Be it enacted*, That whenever the authority, ^{Trustee to receive property to pay debts.} establishing said subordinate Lodge shall be withdrawn, and the separate existence of said subordinate Lodge be destroyed, the property of said Lodge shall be placed in the hands of a trustee appointed by the Grand Lodge from the members of said subordinate Lodge, to pay the debts and liabilities of said subordinate Lodge; and the residue of the real estate, if there be any to be applied by the trustee, as may be prescribed by the by-laws of said subordinate Lodge, *Provided*, the benefits of this act shall extend to Lodges already established, as well as to those yet to be created.

SEC. 4. *Be it further enacted*, That the order of Free ^{Free Masons} Masons shall be entitled to the privileges and benefits of ^{same privilege.} this act, to the same extent, and upon the same conditions contained in the aforesaid act of the 19th January, 1846.

F. BUCHANAN,
Speaker of the House of Representatives.

J. M. ANDERSON,
Speaker of the Senate.

Passed, December 20, 1847.

CHAPTER LXI.

An Act to amend an act, entitled "an act to incorporate the Memphis Insurance Company."

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Memphis Insurance Company, be, and they are hereby authorized to increase ^{Increase of stock.} their capital stock to the amount of three hundred thousand dollars.

SEC. 2. *Be it enacted*, That C. Bias, J. D. Williams, T. W. Wilkerson, Sam. Mosby, and A. O. Harris, or any three of them, after giving twenty days notice of the fact, in one or more of the daily newspapers of the city of Memphis, be, and they are hereby authorized to open books on the first Monday in April next, to receive subscriptions for the additional amount of capital stock in the said Company, and keep them open for twenty successive days from the hour of 10 o'clock A. M. until 3 o'clock P. M., unless the whole stock shall be sooner taken. ^{Open books.}

SEC. 3. *Be it enacted,* That the said additional stock, authorized to be subscribed for by this act, shall be secured to the President and Directors in the same manner as provided for in the fourth section of the act incorporating said Company.

SEC. 4. *Be it enacted,* That said Company shall pay to the State, an additional bonus of two hundred and fifty dollars per annum, making a total bonus to the State, to be paid by said Company, of five hundred dollars per annum.

SEC. 5. *Be it further enacted,* That Fire Company No. 1, in the city of Memphis, shall be hereafter entitled to the same privileges and exemptions which Fire Company No. 2, of the same city, are now entitled to by law.

F. BUCHANAN,

Speaker of the House of Representatives.

J. M. ANDERSON,

Speaker of the Senate.

Passed, January 19, 1848.

CHAPTER LXII.

An act to authorize the courts of record to render judgments for costs, on motion.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That whenever any plaintiff, in a court of record, fails to prosecute his suit with effect, and costs are adjudged against him, the judgment shall be rendered jointly against him and his security for the prosecution.

SEC. 2. *Be it enacted,* That whenever a plaintiff, in a court of record, obtains a judgment or decree against the defendant, and it appears from the return of the execution, that the plaintiff's costs cannot be made out of the defendant, the officers and witnesses who rendered services in the suit to the plaintiff, may move for and have judgment against him for such costs; but the plaintiff may, nevertheless, collect the same from the defendant.

F. BUCHANAN,

Speaker of the House of Representatives.

J. M. ANDERSON,

Speaker of the Senate.

Passed, January 17, 1848.

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CHAPTER LXIII.

An Act to authorize and require the County Trustee, of Hardin county, to distribute certain School monies.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the County Trustee, of Hardin county, is hereby directed to distribute all the School monies in his hands, arising under an act passed, January 26, 1844, chapter 159, sec. 1, making a *pro rata* distribution among all the School Districts in said county, according to the scholastic population of the same, in the same manner as the Superintendent of Public Instruction is now bound by law to do. Trustee—how to pay monies.

SEC. 2. *Be it enacted*, That the District Commissioners shall draw upon the County Trustee in the same manner that they now do, for their respective shares of the regular yearly dividends to Common Schools, and that their orders shall be good vouchers in the hands of the County Trustee on his settlement. Commissioners to draw on Trustee.

F. BUCHANAN,
Speaker of the House of Representatives.
J. M. ANDERSON,
Speaker of the Senate.

Passed, January 1, 1848.

CHAPTER LXIV.

An Act to incorporate the Tellico Manufacturing Company.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Elisha Johnson and Ebenezer Johnson, and such other persons as may hereafter become associated with them, in the manner hereinafter provided, shall be, and they are hereby incorporated by the name and style of "the Tellico Manufacturing Company," and by that name shall have succession for ninety-nine years, and shall be able to contract and be contracted with, to sue and be sued, plead and be impleaded, in any of the courts of law or equity in the State of Tennessee; to make and use a common seal, and the same to alter and renew at pleasure; and to make such by-laws and regulations as are necessary and useful in their business, not inconsistent with existing laws. Incorporation.

SEC. 2. *Be it further enacted*, That the capital stock of said company shall consist of one hundred shares, Capital Stock.

of one thousand dollars each; that the stock and property, real and personal, (with the exception of household goods) water power, and minerals, of the said Elisha Johnson and Ebenezer Johnson, now invested in the Tellico Iron Works, coaling grounds, and plantation, embracing about thirty thousand acres of land, reference had to the records of the Register's office in the county of Monroe, grants from the State of Tennessee, entries in the Entry-taker's office for the Hiwassee District, and agreements now existing; that the value of the same be estimated at the amount invested, in cash or its equivalent, as entered in the stock book of said Tellico Manufacturing Company, or that shall be invested, from time to time, before a further organization is hereinafter provided.

Officers.

SEC. 3. *Be it further enacted*, That one of the said owners may act as President, and the chief clerk or manager, as Secretary, in all official acts of said company, and until a further organization as hereinafter provided; that the furnace, forge, mills, workshops, improved lands, coaling grounds, mines, store-house, warehouse, dwelling-houses, and other buildings, and implements of various descriptions, used in this connexion, and in the manufacture of cast and wrought iron, in all its various forms—axes, cutlery, machinery, and farming implements, in the form their business is now conducted, and with power and privileges of erecting works for the manufacture of steel, rolling-mills, nail factories, puddling furnaces, mills and shops for the manufacture of rail-road iron, machinery, cotton and woollen factories, tannery for the manufacture of leather and morocco, common and fire brick, and all articles connected with said manufactories, or consumed by citizens, laborers, or servants employed; and that it shall be lawful for said company to purchase such additional lands for coaling grounds, ore banks, roads, location for dwellings, as well as beds of stone or mineral coal, fire stone or fire clay, wheresoever the same may be found to exist, as shall and may be necessary for the successful carrying on and conducting of the business or of the Branches of the said company.

Stock, personal property.

SEC. 4. *Be it further enacted*, That the stock and property of the said company so incorporated, of whatever nature or kind the same may be, shall be deemed personal property; that the scrip held for shares may be transferred on the books of the company, in such manner as the by-laws shall prescribe.

SEC. 5. *Be it further enacted*, That for the ready transportation of the products of such mines and man-

ufactories, as well as the products of the farmer on and near the same, the said company shall have power to improve the navigation of the Tellico river, (which, by the laws of this State, has been declared navigable, and a public expenditure of three thousand dollars laid out on the same, from the Tellico Iron Works to the Little Tennessee river,) by removing obstructions that may exist; by deepening shoals, and directing different branches into one channel, and generally to improve and enjoy, in common with other good citizens, a free navigation of the river, agreeable to the intention of the act declaring the same a highway.

May improve
Tellico river.

SEC. 6. *Be it further enacted,* That said company, as organized by the provisions of this act, may at any time associate other stockholders, to fill up, in part, the capital stock of said company, by paying in cash, or its equivalent, the full amount of stock subscribed; that each share of stock be numbered from one to one hundred, and be divided into five divisions, of twenty shares each in relation of numbers; that each division be entitled to choose a director, each share being entitled to a vote, on the first Monday of January in each year, either in person and by proxy; that it shall be the duty of said Directors to choose one of their number as President, and to appoint a Secretary and Treasurer, as well as other officers deemed necessary, and that may be provided for the by-laws; and generally to have the direction and management of the concerns of the company.

Other Stock-
holders let in.

SEC. 7. *Be it further enacted,* That by a vote of three-fourths of the stockholders, the capital stock may be increased, from time to time, to the amount of two hundred and fifty thousand dollars, and continue the numbers of scrip, on the same conditions, as are prescribed in the sixth section of this act, with an increase of directors for each twenty shares.

Capital stock—
how increased.

SEC. 8. *Be it further enacted,* That the assets of the company, at the time of admitting new stockholders, may be appraised by three disinterested men, who shall be appointed by a Circuit Judge of the Circuit Court of the State of Tennessee, and on oath to report a schedule and inventory of valuation, which shall entitle the old stockholders to shares or scrip, to the amount of such valuation, and require new entries and classification of stock; in the stock book of said company.

Stock to be
appraised.

SEC. 9. *Be it further enacted,* That said corporation may sell and convey, under their corporate seal, any water-rights, mines, or any portion of their lands, for the increase of manufactories, or the improvement of their

Corporation
may sell.

property, as well as to bring into use, for the benefit of domestic industry, their water power.

SEC. 10. *Be it further enacted,* That said company shall keep a stock book, and proper books of accounts, time books, records of the result of daily operations in their principal manufactories, which shall be subject at all times to the inspection of stockholders. The Directors shall cause a balance sheet to be made out on the first day of January in each year, and fully report annually, at the close of the term of their office, or until other Directors are appointed, and fully account to their successors, that the earnings of said company may be invested in improvements, or annual dividends of the surplus receipts, or any part thereof, as shall be determined by a vote of a majority of the stockholders.

SEC. 11. *Be it further enacted,* That subscribers of stock in said corporation may elect to have the amount so subscribed, applied to a particular branch of manufacturing, under the direction of the company, and be subject to the loss or profit of that particular branch, the business of which shall be kept separate and independent of other branches; and the dividends of that particular branch shall be for the benefit of that portion of the stock.

F. BUCHANAN,
Speaker of the House of Representatives.
J. M. ANDERSON,
Speaker of the Senate.

Passed, January 17, 1848.

CHAPTER LXV.

An Act to amend an act to apportion the representation in the General Assembly of the State of Tennessee.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That so much of the first section of an act, entitled "an act to apportion the representation in the General Assembly of the State of Tennessee, as requires the polls of the second Senatorial District, composed of the counties of Greene and Hawkins, to be compared at James G. Guthrie's, in Greene county, be, and the same is hereby repealed, and that the polls for the election of Senator in said Senatorial District, shall from the passage of this act, be compared at Doctor Alexander Williams' mill, on Lick creek, in Greene county.

Polls for Senator compared at Williams' mill.

SEC. 2. *Be it enacted*, That the polls for joint Representative for the counties of Greene, Hawkins and Washington, shall be compared at the same place prescribed by the first section of this act, for comparing the polls for the election of Senators; and that so much of the fourth section of the act which this is intended to amend, as requires the polls to be compared at James G. Guthrie's, in Greene county, be, and the same is hereby repealed.

For Joint Representative at same place.

F. BUCHANAN,
Speaker of the House of Representatives.
 J. M. ANDERSON,
Speaker of the Senate.

Passed, January 19, 1848.

CHAPTER LXVI.

An Act to change the line between the counties of Campbell and Claiborne and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the County Court of Campbell county, direct the county surveyor to run and mark the line, beginning on the dividing line between the counties of Campbell and Claiborne, upon the top of Pine Mountain; running north to the Kentucky line, so as to include James Cooper, and premises where he now lives, in Campbell county.

Surveyor to run line.

SEC. 2. *Be it enacted*, That the County Court of Campbell county, make such allowance as they may deem right to said surveyor, for his services as aforesaid, and that he be paid out of any money, in the hands of the County Trustee, not otherwise appropriated; and said line, when run and marked as aforesaid, be established as the true line between said counties.

Compensation to Surveyor.

F. BUCHANAN,
Speaker of the House of Representatives.
 J. M. ANDERSON,
Speaker of the Senate.

Passed, January 19, 1848.

CHAPTER LXVII.

An Act to amend the Criminal Law of this State.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* Whoever shall maliciously and willfully poison, so as to produce death, any mare, horse or gelding, filly, foal, mule, jennet or jack, shall be deemed guilty of a felony, and upon conviction thereof, shall undergo confinement in the jail and penitentiary house of this State for a period not less than one year, nor more than ten years; *Provided,* the value of such horse, mare or gelding, filly, foal, mule, jennet or jack so poisoned shall be of the value of ten dollars and upwards, but if such horse, mare or gelding, filly, foal, mule, jennet or jack, shall be of less value than ten dollars, then such person so convicted as aforesaid, shall undergo confinement in the common jail of the county, for a period of not less than three months, nor more than one year.

To poison horse, &c., felony.

Jury to assess value.

SEC. 2. It shall be the duty of the jury trying any person for the offence mentioned in the first section of this act, at the same time to enquire of and assess the value of the horse, mare or gelding, filly, foal, mule, jennet or jack so poisoned as aforesaid; and it shall also be the duty of the court before whom any such conviction shall be had as aforesaid at the time of passing sentence upon any such convict, to render up judgment against such convict, for the amount of such valuation as shall be assessed by the jury as aforesaid, in favor of the owner of such horse, mare or gelding, filly, foal, mule, jennet or jack, together with the costs of prosecution.

F. BUCHANAN,

Speaker of the House of Representatives.

J. M. ANDERSON,

Speaker of the Senate.

Passed, January 19, 1848.

CHAPTER LXVIII.

An Act to incorporate a company to be called the Chilhowie Spinning and Manufacturing Company.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That there be established a spinning and manufacturing company, and that the subscribers thereto, their associates and successors, shall be, and they

are hereby incorporated and made a body politic and corporate in fact and in name, by the name and style of the Chilhowie Spinning and Manufacturing Company, for the purpose of spinning, manufacturing, bleaching and dyeing cotton, silk, flax and woollen goods, at or near the confluence of Abram's creek with the Little Tennessee river, Chilhowie Old Town, Blount county, and by that name they and their successors shall be and are hereby made capable in law of suing and being sued, pleading and being pleaded, answering and being answered unto, in all courts whatsoever, and to make and use a common seal, and the same to alter and renew at pleasure. And they and their successors and assigns, in their corporate name, shall be, and they are hereby made capable in law, to purchase and hold any lands or tenements, goods and chattels, necessary or convenient for carrying on the manufacturing purposes as aforesaid, and the same to use, employ, grant and dispose of as they shall deem proper, and to have all the rights and privileges pertaining to corporate bodies necessary for the purposes of their incorporation; and that books for the subscription of stock shall be opened under the direction of the following Commissioners. commissioners: S. T. Cox, D. D. Foute and John Har-
din, Blount county; John Brabson, of Sevier county; Gen. William Brazelton, of Jefferson county; Gen. A. E. Smith, of Cocke county; Dr. S. Shields, of Grainger county; James Ross, of Anderson county; Charles Coffin, of Knox county; Jas. A. Coffin and Guilford Cannon, of Munroe county, and John M'Gauhey, of M'Minn county; and said books shall be kept open for subscription until the election of Directors shall take place, as hereinafter prescribed.

SEC. 2. The capital stock of said company shall be Capital Stock. one hundred thousand dollars, with the power to extend to two hundred and fifty thousand dollars, which shall be divided into shares of fifty dollars each, exclusive of one dollar per share for the preliminary expenses, to be paid on subscribing the same; and so soon as one thousand shares of the stock shall be subscribed, the commissioners above named, or any two of them, shall, after giving fifteen days previous public notice in some newspaper printed in Knoxville, call a meeting of the stockholders of said company, who shall proceed to elect nine Directors.

SEC. 3. As soon as said Directors are elected and two thousand shares of the stock are subscribed, it shall and may be lawful for the said company to commence operations; and the Directors for the time being, or a majority of them, shall have power after giving thirty days Installments—
how paid.

notice in some public newspaper printed in East Tennessee, to call for and demand of the stockholders respectively, all such sums of money by them subscribed, at such times and in such proportions, not exceeding five dollars per share at any one call, and to be paid at such place or places as they shall see fit, under pain of forfeiture of their shares and all payments made thereon, at the discretion of the Directors.

Election of Directors. SEC. 4. The capital stock, property and business of said corporation shall be under the control and management of nine Directors, a majority of whom shall constitute a quorum, each being a stockholder to the amount of twenty shares or upwards, who shall hold office for the term of one year, or until their successors are appointed, when three of their number shall retire annually, by ballot or otherwise, but who shall be eligible to re-election. Said Directors shall be elected by a ballot of the stockholders, who may vote in person or by proxy—each share counting as one vote; and the stockholders shall appoint three of their number to be inspectors and judges of the first election, when those obtaining a majority of the votes present shall be declared Directors, who, when elected, shall choose one of their number to be President of said board of Directors. And the said President and Directors shall annually thereafter, by public notice aforesaid, call meetings of the stockholders for the purpose of electing three Directors of said company, under the same rules and regulations as in the first election; and in the event of two or more stockholders having an equal number of votes, then and in that case the stockholders shall determine between them by ballot.

By-laws, &c. SEC. 5. The said President and Directors, or a majority of them, may make, ordain and execute such by-laws, rules and regulations for the government of said corporation in their proceedings, and for the management of the stock and property of said company, and for the transaction of business generally, as may by them be deemed necessary and convenient, provided the same be not repugnant to the constitution or laws of the United States or of the State of Tennessee. And the said President and Directors may appoint such officers and agents, and allow such compensation as they think proper, and may remove the same at pleasure; and should any vacancy occur amongst the Directors, be death, resignation or otherwise, such vacancy may be filled until the next annual election by such person or persons as the other Directors may appoint.

SEC. 6. The stock and property of said corporation, of what nature or kind soever the same may be, shall be

deemed personal property, and shall be assignable and transferable on the books of said corporation, as shall be prescribed by the by-laws of said corporation. Stock personal property.

SEC. 7. The dividend of the profits of said company shall be made semi-annually by the said President and Directors among the stockholders; but no stockholder indebted to the corporation shall be permitted to receive a dividend until such debt be paid to the satisfaction of the Directors. Dividends.

SEC. 8. The President and Directors elect and acting for the time being of said company, shall be and compose the general partners in trade, and that the residue of the shareholders shall be taken and held and considered special partners, and only liable for the amount of stock by them subscribed. Who general and special partners.

SEC. 9. Said company shall not be dissolved unless by a vote of two-thirds of the whole capital stock.

F. BUCHANAN,

Speaker of the House of Representatives.

J. M. ANDERSON,

Speaker of the Senate.

Passed, January 19, 1848.

CHAPTER LXIX.

An Act to incorporate the Sparta, McMinnville, Manchester and Winchester Turnpike Company.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That for the purpose of giving greater facility to a direct and favorable communication with the contemplated rail road from Nashville to Chattanooga, from the town of Sparta, in the county of White, passing through McMinnville and Manchester, to some convenient depot on said rail road, the formation of a company is hereby authorized, which when formed, shall be a body corporate, by the name and style of the "Sparta, McMinnville, Manchester and Winchester Turnpike Company;" and by said name shall be capable, in law, to purchase, receive by gift, hold, sell and convey, real and personal estate, as herein provided, make contracts, sue and be sued, plead and be impleaded, either in law or equity; to make by-laws, and to do all lawful acts properly incident to a corporation, and necessary and proper to the transaction of the business for which it is incorporated; and to have and to use a Incorporation.

common seal, and the same to alter and destroy at its pleasure.

SEC. 2. *Be it enacted,* That books for subscription of two thousand shares of the capital stock of said company, of fifty dollars each, shall be opened on the first Monday of August next, and shall be kept open for thirty days, between ten o'clock in the forenoon, and four o'clock in the afternoon of each business day, at the following places, by the following commissioners, to wit: at Sparta, in the county of White, by John W. Simpson, Wayman Leftwich, William M. Young, Hugh L. Carrick, and William Bosson; at McMinnville, in the county of Warren, by George R. Smartt, Jonathan Wooten, William S. Mooney, Philip Hoodenpyle, and Thomas Mabry; at Manchester, in the county of Coffee, by Charles Coulson, Uriah Sherril, William P. Hickman, Doct. A. B. Davis, and Robert E. Lassater; for the county of Franklin, at Winchester, by Benjamin Deckard, William Oroar, Andrew Matthews, Peter S. Deckard, and Willie B. Wagner.

SEC. 3. *Be it enacted,* That at the end of thirty days after the opening of the books of said company, the commissioners, in the counties of White, Coffee and Franklin, shall transmit the books of subscription for stock in said road to the commissioners in Warren county, to McMinnville; and as soon as the sum of ten thousand dollars of the stock of said road shall have been subscribed, it shall be the duty of the commissioners of said road to advertise in some newspaper, published in either of the counties herein mentioned, stating the time and place of electing twelve directors, for the management of the business of said company, all of whom shall be stockholders, and one of whom shall be President of said board.

SEC. 4. *Be it enacted,* That the business of said company shall be managed by the President and Directors, any five of whom shall constitute a board to do business, who shall hold their office for the space of one year, next succeeding their election, and until their successors are elected and qualified; and should any vacancy occur in said board, by death, resignation or removal, the remaining directors shall have power to fill such vacancy.

SEC. 5. *Be it enacted,* That said President and Directors, so soon as organized, may proceed to survey and lay off said road, and for the purpose of making, and keeping the same in repair, may, by themselves, agents, or contractors, cut, dig, quarry, and take from the land of any person adjoining said road, such timber, gravel, stone, and earth as may, from time to time, be necessary;

Commissioners
to open books.

When election
of directors to
be held.

Board to do
business.

Damages—
how assessed.

and should any person, or persons, from whose lands such timber, gravel, stone, or earth may have been taken, desire compensation therefor, they may, by themselves or agents, [apply] to the nearest justice of the peace in the county in which such land is situated, notice of the time and place having been given to the President, [and] any two of the Directors, to appoint three disinterested freeholders, for the purpose of valuing such timber, ground, stone, gravel, or earth; whose duty it shall be, upon their own view, and upon oath, to ascertain the fair and reasonable value of the same, and grant a certificate thereof to the party applying, if required; and it shall be lawful for such person to recover such amount before any tribunal having jurisdiction thereof; and, also, if any person through whose lands the said road may run, shall consider himself injured thereby, except along the line of the present public roads, the damages shall be assessed and paid as aforesaid.

SEC. 6. *Be it enacted*, That said road shall be opened thirty feet wide, with sufficient ditches on each side of said road to convey off the water, and drain the same; with culverts, or under cross drains, where necessary, built of stone, and covered in a safe and substantial manner; and said road shall be highest in the centre, gradually descending to each side; shall have substantial, safe, and sufficient bridges, where necessary; and said road, in all respects, shall be completed in a faithful and permanent manner. *Provided always*, That said President and Directors may keep safe and sufficient boats at the crossing of the Caney Fork and Collins river, if to them it shall seem proper and expedient;—the said company may at its discretion, two-thirds of the stockholders agreeing, construct said road by graduating the same to an elevation, in no place exceeding three and one-half degrees, convex in the centre, with sufficient descent to each side to carry off the water from the centre, with ample ditches on each side of said road, of sufficient capacity to carry off and prevent water from collecting on said road; and when any one continuous line of said road is thus completed, in either of the counties through which said road may pass, the President and Directors may apply to the County Court of the county through which said road passes, so completed as aforesaid, whose duty it shall be to appoint three freeholders, not being stockholders, wholly disinterested, to view and examine such parts of the road so completed, and on the report of said viewers, upon oath, or any two of them, that the road or any particular part thereof in one continuous line of ten miles is constructed in conformity to

Description
of road.

Toll gates.

this section, it shall be the duty of said County Court to make an order, directing that said company shall be authorized to erect one toll gate on the part so finished; and upon the completion of each continuous line of said road, examined as aforesaid, said company shall be authorized to erect a gate for the reception of toll, until the entire road is completed, upon the plan herein before set forth and mentioned. *Provided always*, That said company shall not erect a toll gate at any place upon said road, at a point less than two miles distant from any seat of justice, or county town, in any county through which said road passes. *Provided also*, That the President and Directors are fully authorized, if it should be deemed expedient by the stockholders, owning *bona fide* two-thirds of the stock of said company, to cover the whole, or any part of said road upon the MacAdam plan, either with limestone rock or gravel, of the usual thickness, and at least twenty feet wide, or said company may, at their discretion, in like manner, cover said road, or so much thereof as they may think proper, with charcoal, twenty inches in thickness, highest in the centre, gradually descending to each side; and upon said company so completing said road by covering it with rock, gravel, or charcoal, said company shall have full power and authority to erect toll gates for every five miles, so covered as aforesaid. *Provided*, That upon the completion of said road, upon the plan contemplated by the above proviso, said company shall not erect a gate at a point nearer any county town than two miles.

Rate of toll.

SEC. 7. *Be it enacted*, That said company in its corporate character, at each point on said road, shall have full power and authority to lease, rent, or purchase an estate in fee, on which to erect toll houses, and all other houses necessary and proper to the use of said company; and at each gate shall be authorized to demand and receive the following rate of tolls, to wit: for every carriage twenty-five cents; for every empty wagon, ten cents; for every cart, ten cents; for every loaded wagon, fifteen cents; for every man and horse, or mule, five cents; for every twenty head of sheep, thirty cents; for every thirty head of hogs, thirty cents; for every head of horses or mules, in a drove, three cents; for each and every horse or mule not in a drove, five cents; for every thirty head of cattle, fifty cents, at each and every gate on said road; *Provided*, said road shall be completed within ten years, from and after the first day of July next.

SEC. 8. *Be it enacted*, That said company shall have full power to appoint a toll gatherer at each gate erected

on said road; and that if any person shall fail or refuse to pay the rates of toll herein set forth, when demanded by the toll gatherer, at the time of offering to pass said gate, the toll gatherer may lawfully refuse a passage to such person or persons, or other things subject to toll as aforesaid; or if any person, article or thing subject to toll shall by any means, pass any gate on said road, without payment when demanded by the toll gatherer, the company may by warrant from any Justice of the Peace, recover from the owner of, or the person or persons in possession of the article, or thing, subject to toll, five dollars, for each offence, to be sued for in the name of the President of the Board of Directors for said company.

Penalty for
passing gate
without toll.

SEC. 9. *Be it enacted*, That if said company shall fail to keep said road in good repair for the space of ten days, and information shall be given to any Justice of the Peace in the neighborhood, he shall issue his warrant to the sheriff, or any constable in the county, where such information was given, commanding that three freeholders be summoned to meet at a certain time, and at the place complained of, reasonable previous notice in writing having been given to the President of said company, or any two of the directors of said Board; and if on the report of said freeholders on oath, it shall be found, in the presence of said magistrate, that said road is out of repair, according to the true intent and meaning of this act, the toll hereby granted shall cease to be demanded, until such defective part of said road, shall be put in good repair.

Penalty for not
keeping road
in repair.

SEC. 10. *Be it enacted*, That the capital stock of said company shall be one hundred thousand dollars, in shares of fifty dollars each; and in all elections, each share shall be entitled to one vote; the payment of stock shall be called for at the discretion of the President and Directors of the company; and upon failure to pay according to the calls as aforesaid, said President and Directors may declare the stock of said delinquent to be forfeited to said company, or may sue for and recover the amount before any tribunal having jurisdiction thereof, at their election; *Provided*, that at least thirty days notice of such call shall be given the stockholders of said company, by advertisement, in some newspaper published near the locality of said road.

Capital Stock.

Forfeiture.

SEC. 11. *Be it enacted*, That on the first Monday in March, in each and every year, there shall be a meeting of the stockholders, at such place as the President and Directors may appoint, for the purpose of taking into consideration the general condition of said company,

Election of
President and
Directors.

and for the purpose of electing Directors for the ensuing year, who shall hold their offices for one year, and until their successors are elected and qualified; and should no election take place then, it shall take place at any such time thereafter, as the President and Directors may designate, whose duty it shall be immediately to designate the time and place of holding an election, giving thirty days notice thereof in some newspaper published nearest to said road.

SEC. 12. *Be it enacted,* That the said President and Directors shall have power to appoint all such officers, agents and servants as they may deem necessary; and determine by their by-laws the manner of adjusting all accounts against the company; and also the manner and evidence of the transfers of stock in said company; and may pass all by-laws not contrary to the laws and constitution of this State or the United States.

SEC. 13. *Be it enacted,* That the President and Directors shall have power, at any time after one fourth of the stock in said road shall have been subscribed for, to let out the cutting out, grading, and completing so much of said road as the amount subscribed will pay for, and in such amounts as they may choose, and upon the plan of only grading said road, or covering it with limestone rock upon the MacAdam plan, or with gravel or charcoal, as hereinbefore set forth and specified, as said President and Directors, by and with the advice and consent of at least so many stockholders as may hold in their own right two thirds of the stock in said road, shall and may determine; reserving, however, such portion of the subscription as they may deem necessary for incidental expenses on said road; and at any time thereafter, may let out the balance subscribed for in the same manner; *Provided*, that the stockholders shall have the preference in taking such jobs over all other persons, at the same rates at which others who are not stockholders, would undertake to do and perform the same, to the extent of the stock owned by such stockholder, so undertaking to open and finish said road, so far as the amount of his stock extends; but shall not have a preference over others, unless it be agreed that said work shall be done in the payment of stock in said road; and in all cases of letting out such jobs, or parts of work to be done on said road, reasonable notice shall be given, in some newspaper published nearest said road.

SEC. 14. *Be it enacted,* That said road shall commence at the town of Sparta, in the county of White, thence as the President and Directors of said company shall and may designate, passing through the town of

McMinnville, in the county of Warren, the town of Manchester, in the county of Coffee, thence to the Nashville and Chattanooga rail road, and thence to the town of Winchester, in the county of Franklin; *Provided always*, that it shall be the duty of said [Board] to cause to be mile marked said road, with permanent and substantial materials; and upon failure thereof, shall be subject to presentment or indictment, and liable to all the penalties to which overseers of public roads are liable for similar offences.

SEC. 15. *Be it enacted*, That this charter shall exist and be in full force, power, and effect for the term of one hundred years from and after the first day of January next.

SEC. 16. *Be it enacted*, That should the President and Directors, and Stockholders owning two thirds of the stock in said road, determine to grade said road only, and not to cover said road with limestone upon the MacAdam plan, or with gravel, or charcoal, as herein before set forth and specified; then and in that case, it shall only be lawful to erect gates and receive toll thereat for every ten miles of said road, so finished and completed by grading only as aforesaid, with the right to demand and receive at each gate the rate of tolls herein above mentioned; *Provided*, that all persons and carriages, of every description, in going to and returning from church, muster or mill, shall pass without the payment of toll.

Rate of toll
when graded
only.

F. BUCHANAN,
Speaker of the House of Representatives.
J. M. ANDERSON,
Speaker of the Senate.

Passed, January 11, 1848.

CHAPTER LXX.

An Act to amend the Charter of the Nashville and Chattanooga Rail Road Company.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Board of Commissioners of the Nashville and Chattanooga Rail Road, is hereby authorized and empowered to appoint three Judges and two Clerks for the purpose of holding an election for fifteen Directors of said company, on the 24th of Janu-

Election of
Directors.

ary, 1848; and upon the certificate of said Judges, the said directors shall be authorized to qualify as directors, and to make all rules, regulations and by-laws necessary for the government of said Company, and the management of its affairs, not inconsistent with the general laws of the land.

SEC. 2. *Be it enacted,* That the Board of Directors of said company shall have power to appoint three Judges and two Clerks from year to year for the purpose of holding elections for Directors.

SEC. 3. *Be it enacted,* That the charter of said company be further so amended that the said company be required to estimate and pay semi-annually to the several holders thereof, a sum equal to six per cent per annum, on the capital stock of said company actually paid in, to be charged to the cost of construction; *Provided,* a majority of the stockholders at their first regular meeting agree thereto.

F. BUCHANAN,

Speaker of the House of Representatives.

J. M. ANDERSON,

Speaker of the Senate.

Passed, January 21, 1848. .

CHAPTER LXXI.

An Act to incorporate Bethel Seminary, in the county of Carroll, and for other purposes.

Whereas, the West Tennessee Synod of the Cumberland Presbyterian Church, did by resolution, passed some three years since, determine to establish an institution of learning within its ecclesiastical jurisdiction: *And whereas,* Said Institution has been located at McLe-moreville, in the county of Carroll, also suitable buildings have been erected for said Institution, and it is now in successful operation in its fifth session.—Therefore:

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That A. E. Cooper, Doct. S. Bigham, J. H. Alexander, Gilbert Hart, E. Gwin, A. P. Hall, J. H. Harrell, A. B. Mitchum, J. Roach, John Simon, A. H. Smith, J. B. Terry, and C. Wilder, and their successors in office, are hereby constituted, and shall forever hereafter be a body corporate and politic, by the name and style of the Trustees of Bethel Seminary, and by that name and title shall sue and be sued, plead and be

impleaded, answer and be answered unto, in any court of law or equity in this State; and shall have full power and authority to receive and make title to property, both real and personal, to receive and hold donations or legacies for the benefit of said Institution, to an amount not exceeding one hundred thousand dollars; to have and use a common seal, and to have and exercise all corporate privileges usually granted to similar institutions of learning.

SEC. 2. A majority of said board shall have full power and authority to elect a Principal for said Institution, also such assistants, tutors, or other officers as they may deem necessary; but that any five members of said board, convened at any regular meeting, or by the call of the President or any two members thereof, (three days notice being given,) shall constitute a quorum to do all other business. Board to elect teachers.

SEC. 3. Said Trustees shall elect, annually, a President to preside in their meetings, a Secretary to keep a fair record of all their transactions, and a Treasurer to take charge of the funds of the Institution. Their officers shall be selected from their own members. Officers of Board.

SEC. 4. Said board shall have full power to form any and all by-laws and rules necessary for the government of themselves, or of the Institution, not inconsistent with the constitution of the State or of the United States; and it shall be their duty to attend the semi-annual examination of the Institution, and visit it as often as convenient; also to prepare and present an annual report of the progress of the school; the names of the Trustees, with the vacancies existing in the board; the number of students, and every thing else which they may deem advantageous to the Institution, to the annual sessions of the body having the right to fill vacancies in said board, as hereinafter specified. By-laws and rules.

SEC. 5. The names of said board of Trustees, arranged in alphabetical order, shall be divided into three classes, as nearly equal as may be, and that one of said classes shall go out of office annually, in October, beginning at the upper class on said list. All members going out of office being eligible to re-election at any time; and that the West Tennessee Synod of the Cumberland Presbyterian Church, or whatever Synod of said Church includes said School within its ecclesiastical jurisdiction, shall have full power to fill the vacancies thus created; also all others. But that other vacancies occurring, may be filled by the existing board until the ensuing meeting of said Synod. Vacancies—how filled.

SEC. 6. No misnomer or misdescription of the cor-

Misnomer not
to vitiate deed.

poration herein created in any will, deed, gift or other instrument of contract or conveyance shall vitiate or defeat the same, but such instrument shall take effect as if said corporation was correctly named, provided the intention of the parties be sufficiently explained.

Power to
change Semi-
nary to College

SEC. 7. The Board of Trustees herein corporated, shall have full power and authority to organize said Seminary into a College by the name of Bethel College, having all the powers, immunities and privileges usually granted other Colleges in the State or any of the United States, so soon as its friends shall raise for said Institution and cause to become productive the sum of fifty thousand dollars as an endowment, the income alone of which shall go to the support of the Institution.

Pleasant Grove
Academy.

SEC. 8. Pleasant Grove Academy, in Maury county, (incorporated 31st December, 1835;) be, and the same is hereby constituted the Academy of said county, and that it shall have its due proportion of the Academy fund after the first day of January, 1848.

F. BUCHANAN,

Speaker of the House of Representatives.

J. M. ANDERSON,

Speaker of the Senate.

Passed, December 1, 1847.

CHAPTER LXXII.

An Act to incorporate the East Tennessee Historical and Antiquarian Society.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the "East Tennessee Historical and Antiquarian Society," be, and hereby is incorporated under the name and style aforesaid, shall have succession, and the right to make and use a common seal.

SEC. 2. Said corporation shall have power to appoint all officers necessary for the succession of the society for ninety-nine years, and for the transaction of business, who, as such, shall have and enjoy the rights and powers incident to corporate succession, may sue and defend in any court of law or equity, may purchase, hold and convey such personal property, as may be necessary to carry into effect the purposes and objects of said association, may hold real estate not exceeding in value five thousand dollars, shall annually choose their officers, and

out of their funds, may make them such compensation as they may think reasonable; and may make all necessary by-laws in conformity with the existing laws of the State.

F. BUCHANAN,
Speaker of the House of Representatives.
 J. M. ANDERSON,
Speaker of the Senate.

Passed, January 19, 1848.

CHAPTER LXXIII

An Act to declare Paint Rock Creek, in Roane county, navigable.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That Paint Rock creek, in Roane county, be, and the same is hereby declared navigable from the mouth of said creek to Col. Byrd's mills in said county.

SEC. 2. *Be it further enacted,* That Cypress creek, in the county of McNairy, be, and it is hereby declared navigable from its mouth up to Moore, Jones & Phelps mill. Cypress creek navigable.

SEC. 3. *Be it enacted,* That the 2d section of the act passed 1st December, 1847, defining the line between Henderson and Decatur counties, be so changed that the beginning point be on the same line, further south, so as to be twelve miles from Lexington, and run as described in said act. Line between Henderson and Decatur counties.

F. BUCHANAN,
Speaker of the House of Representatives.
 J. M. ANDERSON,
Speaker of the Senate.

Passed, January 19, 1848.

CHAPTER LXXIV.

An Act to reduce the several acts, incorporating the Town of Memphis, into one act, and to amend the same.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That all that district of country, contained within the following limits, to wit: Beginning at a point in the middle of the main channel of the Mississippi river, opposite to the centre of Union street, thence eastwardly, with a line passing through the centre of Union street, to the western bank of Bayou Gayoso, thence down said Bayou, with the western bank of the same to the point of its intersection with Wolf river; thence down Wolf river with its north western bank, to its intersection with the Mississippi river; thence down the Mississippi river, to a point opposite the north side of Market street, thence to a point in the main channel of said river, opposite the said north side of Market street, thence down the main channel of said river to the beginning, is hereby erected into a City, by the name of the City of Memphis.

SEC. 2. *Be it enacted,* That the inhabitants of the said City of Memphis, as the same extends and is laid out above, are hereby constituted a corporation and body politic, by the name and style of the Mayor and Aldermen of the City of Memphis, and by the same name, shall have succession for ninety-nine years, shall sue and be sued in all courts of law and equity and in all actions whatsoever; may purchase, receive and hold property, real and personal, within said City, and may sell, lease, or dispose of the same for the benefit of the said City; and may purchase, receive, and hold property, real and personal, beyond the limits of the City, to be used for the burial of the dead, for the erection of water-works, for the establishment of a hospital, for a poor house, work house or house of correction; and may sell, lease, and dispose of such property for the benefit of the City, and do all other acts touching the same as natural persons, they shall have and use a common seal and may change it at pleasure.

SEC. 3. *Be it enacted,* That there shall be a city council to consist of a Mayor and Board of Aldermen. The Board of Aldermen shall consist of two members from each of the wards, as at present organized chosen by the qualified voters of each ward respectively for one year; no person shall be an Alderman, unless he be a citizen of the State of Tennessee and a *bona fide* resident and freeholder in the ward for which he is elected. Any Alder-

man, after his election, removing from or ceasing to be a free-holder in his ward, shall thereby vacate his said office. Each Alderman shall, before entering upon the duties of his office take an oath that he will faithfully and impartially demean himself in said office. All vacancies in the Board of Aldermen shall be filled by the vote of a majority of the remaining members.

SEC. 4. *Be it enacted*, That the Mayor shall be elected by the qualified voters of the city, and shall hold his office for one year and until a successor shall be elected. Election of Mayor—his duties. No person shall be elected Mayor, who is not at the time of his election, a citizen of the State of Tennessee, and a *bona fide* resident and free-holder of said City. Where two or more persons shall have an equal number of votes for the office of Mayor, the election shall be decided by a majority of the votes of the council elect. A vacancy whether temporary from absence or otherwise, shall be supplied in said office in the same manner. The Mayor may fill all vacancies occurring in any office except that of Alderman until the same be filled by election. It shall be the duty of the Mayor, to preside at all meetings of the council, to take care that all ordinances of the city are duly enforced, observed and respected, to take an oath of office before he enters upon the duties of the same, and to call special sessions of the council when he may deem it expedient.

SEC. 5. *Be it enacted*, That the city council shall have full power and authority to appoint such officers, servants and agents of the corporation as they may deem necessary and shall provide for by ordinances. They shall also fix the compensation of such officers, before their election, which shall not be diminished during their continuance in office. They shall also have power to dismiss any officer, servant, or agent, by them appointed, two thirds of said council concurring in such dismissal. Each member of the council shall have all the powers of a Justice of the Peace within the city, so far as may be necessary for enforcing the ordinances of the same. Power of city council.

SEC. 6. *Be it enacted*, That an election for Mayor and Aldermen shall be held in each ward of said city, by the Sheriff of Shelby county, on the first Saturday of March in each year. The voters shall vote by ballot and only in the wards in which they may reside; non-resident freeholders may vote in any one ward where their freehold is situated. Judges of elections shall be appointed by the council, for each ward, who shall take an oath to faithfully and impartially discharge their duties. They shall open the polls at ten o'clock in the forenoon and close them at four o'clock in the afternoon, Elections—how and when held.

when they shall forthwith proceed to ascertain and certify to the existing Mayor the result of such election. All persons owning a freehold in said city, and all persons resident citizens therein, shall be qualified to vote at such elections. In all cases of a tie, in the election of an Alderman, the election shall be referred back to the voters of the ward and held as before, within ten days after the said tie may be ascertained. This second election shall be ordered by the Mayor.

SEC. 7. *Be it enacted*, That the Mayor and Aldermen shall have power within the City:

1. To levy and collect taxes, not exceeding three quarters of one per cent. upon all property, taxable by law for State purposes.

2. To borrow money on the credit of the city, to the amount of its annual revenue and no more in any one year, the revenue of the year next preceding the contracting for such loan, to be taken as the standard in determining the amount which may be so borrowed; *Provided*, that a loan of any amount whatever may be contracted for by the unanimous vote of the council.

3. To levy and collect taxes upon all privileges and polls by the laws of the land.

4. To appropriate money and to provide for the payment of the debt and expenses of the city.

5. To make regulations to prevent the introduction of contagious diseases into the city, to make quarantine laws for that purpose and enforce the same within ten miles of the city.

6. To establish Hospitals and make regulations for their government.

7. To establish a system of free schools and regulate the same so as to avoid sectarian influences, to levy a tax, to create an annual fund not exceeding one eighth part of the annual revenue of the city to be appropriated in support of the same.

8. To make regulations to secure the general health of the inhabitants and to prevent and remove nuisances.

9. To provide the city with water, by wells, cisterns or water-works, within or beyond the boundaries of the city.

10. To open, alter, abolish, widen, extend, establish, grade, pave or otherwise improve, clean and keep in repair streets, alleys and side walks.

11. To erect, establish and keep in repair bridges, culverts and sewers.

12. To provide for lighting the streets.

13. To establish, support and regulate a night watch and patrol.

14. To erect Market houses, establish markets and regulate the same.

15. To provide for the erection of all buildings necessary for the use of the city.

16. To provide for the inclosing, improving and regulating all public grounds, belonging to the city.

17. To improve and preserve the navigation of the Mississippi river within the city.

18. To erect, repair and regulate public wharves, docks, and landings, to fix the rate of wharfage thereat, and to regulate ferries.

19. To regulate the stationing, anchoring and moving of vessels within the city.

20. To license, tax and regulate Auctioneers, Grocers, Merchants, Brokers, Coffee houses, Confectionaries, Retailers of liquors, hawkers, pedlers, negro traders, and livery stables.

21. To license, tax and regulate hackney carriages, carts, omnibusses, drays and wagons and to fix the rates for transporting persons and property.

22. To license and regulate porters and to fix the rate of portorage.

23. To license, tax, regulate or suppress theatrical and other exhibitions and amusements.

24. To regulate, prohibit or suppress all disorderly houses and bawdy houses.

25. To provide for the prevention and extinguishment of fires, to organize and establish fire companies, to regulate, restrain or prohibit the erection of wooden buildings in any part of the city, or their removal from one part to another, to regulate and prevent the carrying on of manufactories dangerous in causing or producing fires, to regulate the keeping and storage of gun-powder, gun-cotton, tar, pitch, rosin, saltpetre, and the use of lights, stovepipes and chimneys or flues, in all stables, shops and other places.

26. To establish standard weights and measures, and regulate the weights and measures to be used in the city, when not provided for by law.

27. To provide for the inspection and measuring of lumber and other building materials; and for the inspection and weighing or measuring of hay, stone coal, wood and all other fuel.

28. To provide for and regulate the inspection of beef, pork, flour, meal, oils, whisky and other spirits; in barrels and other vessels; also, of butter, lard and other provisions; to regulate the vending of meat, poultry and vegetables; to restrain and punish the forestalling of provisions, and to suppress hucksters.

29. To regulate the police of the city; to impose fines, forfeitures and penalties for the breach of any ordinance, and to provide for their recovery and appropriation.

30. To provide for the arrest and confinement, until trial, of all riotous and disorderly persons, within the city, by day or night. To authorize the arrest and detention of all free negroes, slaves or suspicious persons, found violating any ordinance of the city.

31. To regulate the time and circumstances at and under which slaves and free negroes may be absent from their respective places of abode, and direct the punishment by fine and imprisonment, or either, for the breach of such regulations.

32. To prevent and punish, by pecuniary penalties, all breaches of the peace, noise, disturbances or disorderly assemblies in any place in the city by day or night.

33. To fix, from time to time, the number and boundaries of the city wards.

34. To pass all ordinances that may be necessary to carry out the full intent and meaning of this act, and to accomplish the object of their incorporation; *Provided*, the same be not contrary to the laws and constitution of this State.

SEC. 8. *Be it enacted*, That two thirds of the revenue collected in each ward, shall be expended for public purposes within the ward where it is collected, unless it be otherwise appropriated by the consent of the Alderman of such ward.

SEC. 9. *Be it enacted*, That all ordinances and resolutions heretofore enacted and adopted by the Mayor and Aldermen of said city, and not repealed, or rescinded by them shall be and remain in full force, as if passed under the charter until altered or repealed hereafter.

SEC. 10. *Be it enacted*, That the General Assembly may at any time, alter, amend or repeal this charter, that the same is hereby declared to be a public act, and may be read in evidence in all courts, without proof or any special pleading.

SEC. 11. *Be it enacted*, That the standard keeper now and hereafter to be appointed by the county court of Shelby county, shall be standard keeper and inspector for the city of Memphis, and shall keep his office and give his attendance at all times in said city, by himself or a competent number of deputies.

SEC. 12. *Be it enacted*, That there shall be prepared and published by the city council, a digest of all the ordinances and resolutions of a public nature, now in force, within six months after the passage of this act, and a like digest once in every three years thereafter.

SEC. 13. *Be it enacted,* That all acts and parts of Other acts re-
acts contrary to or inconsistent with the provisions of pealed.
this act or within the provisions thereof, be and are here-
by repealed.

SEC. 14. *Be it enacted,* That this act shall take effect
and be in force from and after its passage.

SEC. 15. *Be it enacted,* That the collector of the city Collector's
taxes shall also collect the city tax on tipping houses, duties.
now required to be collected by the clerk of the county
court of Shelby county, and that all laws directing said
clerk to collect the same be and are hereby repealed.

F. BUCHANAN,

Speaker of the House of Representatives.

J. M. ANDERSON,

Speaker of the Senate.

Passed, January 21, 1848.

CHAPTER LXXV.

An Act to divide and equally apportion the Academy fund of Shelby, Lawrence, Hardeman, Wayne and Montgomery counties between the education of Girls and Boys.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the county Academy of Shelby county and the Jackson Academy in Lawrence county, Academies of Shelby & Lawrence divided into two branches.
be divided into two branches so as to constitute the Raleigh Female Academy and the Lawrenceburg Female Academy, branches of said county academies, for the education of the Girls; and that the present trustees of said Female Academies shall be additional trustees of said county academies, to be separately organized, and to share equally with the male branch of said academies, in any monies hereafter to be drawn from the Treasury of the State for the use of the county academies of said counties, said fund to be drawn from the Treasury as heretofore, and apportioned by the trustees of said academies, as herein directed.

SEC. 2. *Be it enacted,* That the unexpended fund Unexpended fund divided.
heretofore drawn from the Treasury, shall be equally divided between the two branches of said academies.

SEC. 3. *Be it enacted,* That the county academy of County Academy of Hardeman divided.
Hardeman county be divided into two branches, so as to constitute the Bolivar Female Academy for the education of Girls, and that the present Trustees of said Female

Academy shall be additional trustees of said county academy, to be separately organized, and to share equally with the male branch of said academy, in any monies now on hand and unappropriated; and in any monies hereafter to be drawn from the Treasury of the State for the use of said county academy; said fund to be drawn from the Treasury, as heretofore, and appropriated by the trustees of said academies, as herein directed.

Ashland Academy divided.

SEC. 4. *Be it enacted*, That the Ashland Academy in the county of Wayne be divided into two branches, one for the education of Boys, and the other for the education of Girls; to be separately organized and to share equally in the fund now appropriated, or in any monies hereafter to be drawn from the Treasury of the State, for the use of said Ashland Academy; said fund to be drawn as heretofore from the Treasury, and appropriated as herein directed.

SEC. 5. *Be it enacted*, That R. A. Hill, A. T. Hassell, A. P. Cook, L. L. Mack, Jno. McDougal and A. J. McDougal be appointed additional trustees for said academy.

County Academy of Montgomery divided

SEC. 6. *Be it enacted*, That the county academy of Montgomery be divided into two branches, so as to constitute the Clarksville Female Academy a branch of said county academy, for the education of Girls; and that the trustees of said Female Academy shall be additional trustees of said county academy; to be separately organized, and to share equally, with the male branch of said academy, in any monies now on hand and unappropriated, and in any monies hereafter to be drawn from the Treasury of the State for the use of said county academy; said fund to be drawn from the Treasury as heretofore, and appropriated by the trustees of said county academy, as herein directed.

F. BUCHANAN,

Speaker of the House of Representatives.

J. M. ANDERSON,

Speaker of the Senate.

Passed, December 19, 1847.

CHAPTER LXXVI.

An Act to give the county of Morgan a Director in the Branch of the Bank of Tennessee, at Sparta.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That there shall be a Director for the county of Morgan, in the Bank at Sparta, who shall be chosen as other Directors in said Bank, and who shall have all the powers, privileges, and immunities of the other Directors in said Bank, and hold his appointment for the same space of time.

SEC. 2. *Be it enacted*, That the county of Marion be attached to the Sparta Bank District, and shall have a Director in said Branch Bank, to be appointed as other directors in said Bank.

F. BUCHANAN,

Speaker of the House of Representatives.

J. M. ANDERSON,

Speaker of the Senate.

Passed, January 24, 1848.

CHAPTER LXXVII.

An Act appropriating the sum of five thousand dollars annually, to the Institution for the Education of the Blind at Nashville, and also the sum of five thousand dollars annually, to the Institution for the Education of the Deaf and Dumb at Knoxville.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the sum of five thousand dollars, be, and the same is hereby appropriated annually, for the term of two years, from the passage of this act, out of the Treasury of this State, for the use and benefit of the Institution for the Education of the Blind, at Nashville, and the Comptroller shall issue his warrant for said sum, and the same shall be deposited with the Bank of Tennessee, who is hereby made the Treasurer of said institution, and who shall pay over said sum of money to the order of said Institution, by its Board of Trustees, or their Chairman, as the same may be called for; and the said Treasurer shall keep an account thereof, and report the same to the Board of Trustees annually.

\$5000 appropriated to the Blind Institution.

SEC. 2. *Be it enacted*, That a like sum of five thousand dollars, be, and is hereby annually appropriated

\$5000 appropriated to Deaf & Dumb Ins.

for the use and benefit of the Institution for the Education of the Deaf and Dumb, at Knoxville.

F. BUCHANAN,

Speaker of the House of Representatives.

J. M. ANDERSON,

Speaker of the Senate.

Passed, January 18, 1848.

CHAPTER LXXVIII.

An Act to authorize Stephen Huff, Peter F. Kendrick and William Robison, of the county of Cocke, to open a Turnpike Road in said county, and for other purposes.

Incorporation. SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That Stephen Huff, Peter F. Kendrick and William Robison, of the county of Cocke, are hereby constituted a body politic and corporate, and as such are authorized to open, establish, and keep in repair, a turnpike road, beginning at the lower end of the Patton and Weaver turnpike road, on the east side, and at the foot of the Nichols Hill, and running westwardly towards the mouth of Nolachucky river, to Dawson's spring, near the head of the dughollow; the same to run with the present road as near as practicable.

Description of road. SEC. 2. *Be it enacted,* That Stephen Huff, Peter F. Kendrick and William Robison, shall open said road, at least twenty feet wide, clear of all timber and undergrowth, and clear fourteen feet in the centre of said road of all rocks, stumps, and every other obstruction to the passage of carriages and horses, when the ground over which said road passes will admit of it to be done with reasonable exertions; but in no place to be less than twelve feet wide; and said proprietors shall erect bridges and causeways, when necessary, at least twelve feet wide.

Commissioners to view road and report. SEC. 3. *Be it enacted,* That Alfred Lea, John Faubion and William C. Story, are hereby appointed commissioners to view said road, and when the said Stephen Huff, Peter F. Kendrick and William Robison shall give them notice that it is opened as required by this act, it shall be the duty of said commissioners to attend and view said road, and if they find it opened in the manner prescribed by this act, then the said commissioners shall, and they are hereby authorized and required to issue a license under their hands and seals, to the said proprie-

tors to erect a toll gate on said road; and it shall be the duty of said commissioners by this act appointed to examine and view said road once in six months, at least, and oftener, if from satisfactory information, on oath, that said road is out of repair; and if at any time said commissioners shall find said road not in the repair contemplated by this act, it shall be their duty to open said proprietor's gate, and keep the same open while the same remains out of repair, and until the proprietors shall notify the commissioners that the said road is in the repair contemplated by this act; and on receiving such notice, it shall be the duty of said commissioners to examine said road, and should it be found in the repair required by this act, it shall be the duty of the commissioners to shut the gate for receiving toll; and should the proprietors, directly or indirectly, receive toll at said gate, while the same is directed to be kept open by the commissioners aforesaid, said proprietors shall forfeit and pay the sum of fifty dollars, to be recovered by action of debt before any justice of the peace in this State, in the name of the person who will sue for the same; and should said commissioners, from their view or other satisfactory information, find that said road has been out of repair for two weeks together, at any one time, it shall be their duty to make report thereof to the county court of their county, and the same shall be recorded, and a copy of which shall be *prima facie* evidence against said proprietors, in all suits that may be brought against them.

SEC. 4. *Be it enacted*, That the said proprietors shall be allowed, when said road is made and completed, and they are hereby authorized to erect a toll gate on said road, at any point which they may think proper, below the intersection or junction of the Roadman and Faubian bridge road, and shall be entitled to receive the following rates of toll, to wit: For each wagon and team of four or six or more oxen, horses or mules, one dollar; for each wagon and two horses, fifty cents; for each carryall, drawn by one or two horses, fifty cents; for each sulky or gig, fifty cents; for each pleasure carriage, drawn by two or four horses, one dollar; for each cart, drawn by one or two horses, mules or oxen, twenty-five cents; for each man and horse, ten cents; for each led horse, five cents; for each horse or mule, in a drove, three cents; for each head of hogs or sheep, one cent.

Rate of toll.

SEC. 5. *Be it enacted*, That the Commissioners appointed by this act, shall before they enter upon the duties of their appointment take and subscribe before some Justice of the Peace, the following oath to wit: "I do solemnly swear that I will well and truly perform the

Commissioners
to take oath.

duties enjoined on me by this act, according to the best of my knowledge and abilities, So help me God," and the said commissioners shall be entitled to receive at the rate of one dollar per day, for each day they may be necessarily engaged in performing the duties enjoined on them by this act, to be paid by the proprietors of said turnpike road, and if there should be a vacancy of said commissioners, by refusing to act, or by death, removal, or otherwise, it shall be the duty of the County Court of Cocke county, to appoint suitable persons to fill such vacancy, within one month after such vacancy shall accrue.

Damages. SEC. 6. *Be it enacted*, That if any part of said road shall be out of repair, at any time after it is received by said commissioners by reason of which any person shall sustain any damage in person or property, such person may have and sustain an action on the case against said proprietors for such damages.

Penalty for passing gate. SEC. 7. *Be it enacted*, That if any person or persons shall pass said gate arbitrarily, or within one mile thereof, for the purpose of avoiding the toll, such person or persons, shall forfeit and pay for every such offence, to the proprietors of said turnpike the sum of twenty-five dollars, to be recovered by action of debt, before any Justice of the Peace in this State.

Charter to extend 30 years. SEC. 8. *Be it enacted*, That this charter is hereby given to the said Stephen Huff, Peter F. Kendrick and William Robison, their heirs and assigns for the term of thirty years.

Road to be measured. SEC. 9. *Be it enacted*, That the proprietors of said turnpike road, shall have the same measured and plainly mile marked, and shall keep the same in good repair, as required by their charter; and in case they should fail to do so, they shall be subject to indictment and presentment, as overseers of public roads are indictable, and punishable in like cases.

Thos. P. Kelly to open road. SEC. 10. *Be it further enacted*, That Thomas P. Kelly is hereby authorized to open and cut out a turnpike road, commencing at Kelly's Ferry on the Tennessee river, thence the best and most direct route to the eastern base of the Lookout Mountain, and shall in the whole extent be opened eighteen feet wide, clear of stumps, rocks, and other obstructions, and cause-wayed where necessary, and where the nature of the ground is such that it cannot be extended to the width herein required, said road may, with the consent of the commissioners be reduced to any width not less than twelve feet, clear of stumps, roots, and other obstructions; and it shall be the duty of the said proprietor, to build a good substantial

bridge across Lookout creek, and keep the same in good repair, to be at least twelve feet wide, and where it is necessary to causeway the road, it shall be made of stone or durable timber, at least twelve feet wide.

SEC. 11. *Be it enacted*, That said road shall always be kept in repair, and if it should be permitted to remain out of repair for the space of fifteen days, then it shall be the duty of the commissioners hereinafter appointed by this act, to set said proprietor's gate open and keep the same open until said road is put in good repair, to be adjudged by said commissioners, and if said proprietor shall either directly or indirectly, exact, take or receive any toll during the time said commissioners set said gate open, said proprietor for every such offence, shall forfeit and pay the sum of twenty dollars, to be recovered by action of debt, before any Justice of the Peace having jurisdiction of the same, by any person, who will sue for the same, and if the same road shall be permitted to be and remain out of repair for the space of six months at any one time, after said commissioners shall have set open said gate, said charter shall be forfeited to the State, and said commissioners shall report to the County Court of Hamilton county, the condition of said road and the length of time said road has remained out of repair, then if said road has remained out of repair six months, it shall be the duty of said court to declare said charter forfeited, and make the same a county road and appoint overseers on the same.

Description of
road—penalty
for being out of
repair.

SEC. 12. *Be it enacted*, That John P. Long, William Cummings and Jeremiah Fryer, shall be appointed commissioners of the aforesaid road, and they or a majority of them shall be capable at all times to do and perform all the acts and duties required of them by this act; and when the proprietor shall notify said commissioners that said road is completed for use, said commissioners shall proceed to examine said road, and if said road is in their opinion in the order contemplated by this act, they shall proceed to license said proprietor to keep a toll gate on said road, which license shall be under their hands and seals, and thereupon said proprietor may proceed to erect a toll gate on said road, and shall be entitled to receive the following rates of toll, to-wit: on all wagons loaded, drawn by four or more horses, mules, or oxen, fifty cents, not loaded, twenty-five cents, for each carriage of burthen drawn by two horses, mules, or oxen, twenty-five cents, for each four wheel pleasure carriage, sixty cents, for each two wheel ditto, thirty cents, for each man and horse, or mule, ten cents, for each loose or led horse, or mule not in a drove, five cents, for each

Toll.

head of horses, or mules, in a drove, four cents, for each head of cattle, or sheep, two cents, for each head of hogs, one cent, that may travel over the same, *Provided*, That all the citizens of Hamilton county, in Lookout Valley shall be exempted from the payment of toll, and the families on said road that will do five days work in one year on said road.

SEC. 13. *Be it enacted*, That the commissioners herein appointed by this act, shall before they enter upon the duties of their appointment, take and subscribe the following oath, to wit: I do solemnly swear, that I will well and truly perform the duties enjoined on me by this act, according to the best of my knowledge and abilities—*So help me God.* And said commissioners shall be entitled to receive one dollar per day when they may be necessarily employed in performing the duties enjoined on them by this act, to be paid by the proprietor of the road.

SEC. 14. *Be it enacted*, That if any person or persons shall pass such gate arbitrarily, or within one mile thereof, for the purpose of evading the toll, such person or persons shall forfeit and pay for every such offence, to said proprietor, the sum of five dollars, to be recovered before any justice of the peace in this State.

SEC. 15. *Be it enacted*, That all persons going to mill and meeting shall go free of charge, and all mail stages shall pass through for half toll.

SEC. 16. *Be it enacted*, That said proprietor shall be entitled to hold and enjoy the privilege of this charter for thirty years, and have two years from the passage of this act to complete the same.

SEC. 17. *Be it enacted*, That said commissioners may, in their discretion, give said proprietor the privilege to keep a good substantial ferry boat on Lookout creek, until he complete the bridge across the same, and may extend the time, if they think proper, to complete the bridge.

F. BUCHANAN,

Speaker of the House of Representatives.

J. M. ANDERSON,

Speaker of the Senate.

Passed, January 18, 1848.

CHAPTER LXXIX.

An Act to continue the construction of the State Capitol.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Superintendent of the Penitentiary, out of the number of convicts placed under the control of the Commissioners of the State-House, by the act of 1846, ch. 49, shall detail thirty convicts, with necessary guards, to work at the quarries, and at the building under the orders of the Architect. 30 convicts to work at quarries.

SEC. 2. The sum of fifty thousand dollars a year is hereby appropriated, to employ seventy stone cutters, two setters, and eight laborers, and to pay the salary of the architect, and contingent expenses. \$50,000 appropriated.

SEC. 3. To raise this money, the Governor shall, from time to time, when required by said Commissioners, execute State bonds under the great seal, signed by himself, and countersigned by the Secretary of State, payable to the President of said Commissioners or his assigns, ten years after date, bearing interest at six per cent. per annum, payable half yearly, of the denominations of two hundred and fifty dollars, and deliver the same to said Commissioners, to be sold by them for cash at par. State Bonds to be issued.

SEC. 4. The surplus revenue of the Penitentiary, or so much of it as may be necessary, is hereby appropriated to pay the interest and principal of said bonds. And the Superintendent thereof shall pay a sufficient amount of said surplus into the Treasury for said purpose, to be drawn from thence by the Treasurer for said purpose, on the Comptroller's warrants, issued in favor of the holder of said bonds. Penitentiary to pay interest on bonds.

SEC. 5. Guardians and other trustees, not especially directed by the instruments under which they act, as to a mode of investing the funds under their control, may invest the same in these bonds, which shall be credited to them in their settlement as cash. Trustees may invest in bonds.

SEC. 6. The Chancery, Circuit and Supreme Courts may cause funds under their control to be invested in these or other bonds of this State. Courts may invest in bonds.

F. BUCHANAN,

Speaker of the House of Representatives.

J. M. ANDERSON,

Speaker of the Senate.

Passed, January 24, 1848.

CHAPTER LXXX.

An Act to amend an act passed, 16th December, 1837, entitled "an act to incorporate the Oak Grove Academy, in the Town of Cleveland, in the county of Bradley.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the Board of Trustees of Oak Grove Academy, may establish a Female department in said Academy for the special education of girls, and may locate said Female department in the town of Cleveland, or at any other place not more than one mile distant from said town.

SEC. 2. *Be it enacted,* That the said board of Trustees shall appropriate one half of said fund to the use of said female department of said Academy.

SEC. 3. *Be it enacted,* That there shall be a division of the fund now on hand not otherwise appropriated.

SEC. 4. *Be it enacted,* That said Trustees shall have power to acquire by purchase, donation or bequest any real or personal property, and hold the same for the special use of the said female department.

SEC. 5. *Be it enacted,* That in addition to the present board of Trustees, the following persons be appointed, viz: P. J. R. Edwards, William H. Tibbs, J. W. Inman, Isaac Low, J. D. Traner, G. W. Parker, John H. Payne and Saml. A. Smith, and shall have the same powers with the former Trustees.

SEC. 6. *Be it enacted,* That the county line between the counties of Wayne and Lawrence be so changed as to include the lands of William Hollis in the county of Lawrence, and that from and after the passage of this act, the line between said counties be so changed as to commence where the north boundary line of the lands of William Hollis crosses the county line, thence west with the north boundary of said lands, to the north-west corner thereof, thence south with the west boundary thereof, to said Hollis' south-west corner, thence east to the original county line, and that the citizens thereof be added to, and constitute citizens of said county of Lawrence.

SEC. 7. *Be it enacted,* That this act shall be in force from and after the date of its passage.

F. BUCHANAN,

Speaker of the House of Representatives.

J. M. ANDERSON,

Speaker of the Senate.

Passed, January 19, 1848.

CHAPTER LXXXI

An Act to authorize the Sheriff of Washington county to appoint an additional deputy in the Greasy Cove.

Be it enacted by the General Assembly of the State of Tennessee, That the Sheriff of Washington county, is hereby authorized to appoint an additional deputy in the Greasy Cove.

F. BUCHANAN,

Speaker of the House of Representatives.

J. M. ANDERSON,

Speaker of the Senate.

Passed, January 25, 1848.

CHAPTER LXXXII

An Act to provide for the probate and acknowledgment of wills and deeds made by persons in the service of the United States in a foreign country.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That deeds and other instruments of writing, which require registration, executed in foreign countries, by any officer or soldier in the regular army, or in the volunteer corps, or any other person in the service of the United States, may be acknowledged by the grantor, or proved by two subscribing witnesses, before the Colonel, Lieutenant Colonel, Major or commanding officer of the regiment, to which such officer or soldier may belong, and such certificate shall be given under the hand of said Colonel, Lieutenant Colonel, Major or commanding officer, that he is acquainted with the witnesses, and that they saw the grantor sign, seal and execute the deed in their presence, or in case of acknowledgment, that he is acquainted with the grantor or maker of the deed or other instrument, and that the same was duly acknowledged. Such officer of the regiment shall have the same power, in taking the probate and acknowledgment of deeds and other instruments, as a commissioner appointed under the act of 1839, ch. 26, sec. 3, entitled "an act to provide for the probate and registration of deeds and other instruments executed beyond the limits of the United States, and for other purposes;" and the deeds and instruments so proved or acknowledged, may be registered in the proper counties in this State.

Probate of
instruments—
how made.

SEC. 2. The Colonel, Lieutenant Colonel, Major or Commanding Officer may certify. commanding officer of the regiment, shall have authority to certify to the county court of any county where any soldier, officer or other person in the service of the United States was domiciled, the probate of the subscribing witnesses to any last will, or the acknowledgment of the testator of the execution of the will before such commissioner, which probate or acknowledgment shall be sufficient to authorize the said will to be proved after the death of the testator, before the county court. *Provided,* The heirs of next of kin of the testator shall have the right to contest the validity of said will according to the laws now in force and use in this State, the said probate or acknowledgment being *prima facie* evidence in such contest of the validity of the will.

F. BUCHANAN,

Speaker of the House of Representatives.

J. M. ANDERSON,

Speaker of the Senate.

Passed, January 19, 1848.

CHAPTER LXXXIII.

An Act to authorize William Hickson of the county of Bledsoe, to open a Turnpike road, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That William Hickson of the county of Bledsoe, is hereby constituted a body politic and corporate, for the purpose herein after specified; he is hereby authorized to open and cut out a turnpike road, beginning at Edley Harrison's road, near Hedgecock's, running with the old Madison road, or as near so as practicable, so as to have the same placed on the best ground for a road; to cross Savage's road at or near the Cagle old place; thence the best and most practicable route, so as to intersect the road in Sequatchee Valley, on the east side of the Cumberland Mountain, at or near Jonathan Pope's.

SEC. 2. *Be it enacted,* That said Hickson is and shall be required to make and construct said road, in the same manner in which Hill's turnpike road across the Cumberland Mountain is required by law to be made; and when the same is completed, said Hickson shall have the right to erect a gate on the same, on the top of Cum-

berland Mountain, and receive the same toll as allowed by law to be charged on Hill's turnpike.

SEC. 3. *Be it enacted*, That Thomas A. Pope and Robert Owens, be and they are hereby appointed Commissioners on said road, who shall be governed, in all things, in receiving said road and licensing said proprietor to keep a gate, that the commissioners are on said Hill's road, and said road shall in all things be governed by the provisions of said Hill's charter. Commissioners—their duties.

SEC. 4. *Be it enacted*, That the charter to Hale's turnpike road leading from Pikeville, Bledsoe county, Tennessee, up and across Cumberland Mountain in the direction of Sparta, Tennessee, and down the Mountain on Cain creek, near Abijah Crane's, be and the same is hereby extended to John Mitchell, his heirs and assigns, for the term of thirty years from the passage of this act, upon the same terms and conditions in all respects as the present charter. Hale's turnpike extended to Jno. Mitchell

SEC. 5. *Be it enacted*, That W. B. Cummings of the county of Van Buren, and Peter Hoodenpyle of the county of Bledsoe, are hereby appointed commissioners on said road for the same purposes, entitled to the same emoluments, and subject to the same restrictions of commissioners heretofore appointed on said road, and all laws heretofore appointing commissioners on said road are hereby repealed. Commissioners

SEC. 6. *Be it enacted*, That the acts passed in 1829 and 1831, chapter 280 and 215, chartering the Big Hatchee turnpike and bridge company, be so amended as to allow said company, to have and keep a good ferry, in lieu of a bridge as provided for by said acts, with all the rights and privileges heretofore granted. Big Hatchee turnpike and bridge company amended.

SEC. 7. *Be it enacted*, That the number of directors be reduced to six, three on the part of the State and three on the part of the Stockholders, to be appointed as heretofore with the same power and privileges. Directors—numbers reduced.

SEC. 8. *Be it enacted*, That said company shall have the exclusive right and privilege of erecting cotton sheds and store houses to protect cotton and other property from damage or high water at the river ferry, on the side of said turnpike. May erect cotton sheds.

SEC. 9. *Be it enacted*, That from and after the passage of this act, said company shall be known and styled as the Big Hatchee Turnpike Company.

SEC. 10. *Be it enacted*, That the lawful owners of any system of Telegraphing, shall have and enjoy in the manner hereinafter provided, the same right of way in this State, as is granted to the proprietors of Morse's Electro Magnetic Telegraph by the act to incorporate the New Right of way to proprietors of Telegraph.

Orleans and Ohio Telegraph company, passed, October 18th, 1847, *Provided*, such system shall not conflict with any private right secured by patent from the United States.

Board of Internal Improvement to grant license.

SEC. 11. *Be it further enacted*, That any person or companies who may desire to avail themselves of the privilege aforesaid, shall produce to the board of Internal Improvements of the State, a full and accurate description of the system they propose to use, together with their title papers thereto; and if the said board, acting under the advice of the Attorney General of the State, shall be satisfied that such system does not conflict with any private right secured as aforesaid, and that the applicants are the lawful owners thereof, then they shall give the said applicants, a license to have and enjoy the right of way as aforesaid, but not otherwise; *Provided*, that before granting such license the board shall give notice of the application to any parties with whose rights it may be supposed to conflict, and allow them a reasonable time to be heard.

F. BUCHANAN,

Speaker of the House of Representatives.

J. M. ANDERSON,

Speaker of the Senate.

Passed, January 14, 1848.

CHAPTER LXXXIV.

An Act to authorize the Circuit Court of Polk county to be held a longer time than one week.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That so much of the act passed November 28th, 1839, establishing the county of Polk, restricting the session of the Circuit Court to one week only, be, and the same is hereby repealed; and that the Judge of the third judicial circuit be, and he is hereby authorized and required to continue the sessions of said court longer than one week; *Provided*, it requires longer than one week to complete the business; and *provided*, it should not interfere with other courts in said circuit.

Records of Decatur county.

SEC. 2. *Be it enacted*, That it shall be the duty of the clerk of the Circuit Court of Decatur county, to transcribe all the judgments, orders, and decrees which may have been rendered, or made by said Circuit Court, since the organization of said county of Decatur, into a well

bound book or books, and that said judgments, orders, and decrees, so transcribed, shall constitute the record of Decatur county, and be entitled to due faith and credit as such.

SEC. 3. *Be it enacted*, That it shall be the duty of the clerk of the Circuit Court of Decatur county, to deliver Records of
Perry county. to the clerk of the Circuit Court of Perry county, on or before the first day of July next, the minute books and all other record books of the county of Perry, together with all the records of said county of Perry, which had been determined before the organization of said county of Decatur, together with all the records of causes which originated in the county of Perry before the organization of said county of Decatur, and has been since determined in the Circuit Court of said county, and that the same shall constitute the records of the county of Perry, and be entitled to due faith and credit as such.

SEC. 4. *Be it enacted*, That the clerk of the Circuit Court of Perry county shall be empowered to issue final Clerk of Perry
county to issue
process. and all other process upon all judgments and decrees, which by the provisions of this act are to be transferred from the county of Decatur to the county of Perry, as well upon judgments rendered by the Circuit Court of Decatur, in causes originating before the organization of said county, as upon judgments rendered by the Circuit Court of Perry county before the organization of said county of Decatur.

SEC. 5. *Be it enacted*, That the County Court of Decatur county shall make such appropriation to the clerk Clerk's com-
pensation. as his services are reasonably worth, to be paid by the Trustee of said county out of any money in his hands not otherwise appropriated.

F. BUCHANAN,

Speaker of the House of Representatives.

J. M. ANDERSON,

Speaker of the Senate.

Passed, January 19, 1848.

CHAPTER LXXXV.

An Act to incorporate the Memphis Manufacturing Company.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That a body corporate and politic is hereby constituted and established by the name and style of "the Memphis Manufacturing Company," for the purpose of manufacturing goods and articles from cotton, wool, hemp, or silk; and for the making of machinery, or implements of wood, iron, or other materials; and for the erection of mills for the grinding of grain, and the manufacture of flour; and the said company is empowered to make and use a common seal, and the same to change at pleasure; to make such by-laws, not inconsistent with the laws of this State, or of the United States, as are necessary and useful; to sue and be sued, to plead and be impleaded; to have succession; to hold by purchase, or otherwise, and to dispose of the same; any real estate or personal property, which may be convenient or necessary for carrying on its operations, or which it may become possessed of in payment of debts due to it, in part or in whole; *Provided, nevertheless,* That the real estate so held, shall at no time exceed the maximum amount of its capital, hereafter provided for.

SEC. 2. *Be it enacted,* That the capital stock of said company shall be divided into shares of one hundred dollars each; shall consist of not less than two hundred and fifty shares, nor more than three thousand; shall be transferred only on the books of the company, and then only with the consent of the board of directors, unless the whole amount of instalments due thereon, shall have been paid previously; the company shall have power to declared forfeited to it any stock, which may remain unpaid in whole or in part; or it may at its option, sue for and recover the unpaid amount, before any tribunal having jurisdiction of such sums, first however giving thirty days notice of such call having been made.

SEC. 3. *Be it enacted,* That A. B. Taylor, John Pope, S. B. Locke, Hezekiah Cobb, C. Bias, and Joseph S. Watkins, are hereby appointed commissioners to open books of subscription to the capital stock of said company, or any three of them, after first giving ten days notice thereof; and when the number of two hundred and fifty shares, or such greater number, not exceeding three thousand, as may be determined on by the acting commissioners, shall have been subscribed for, the said company shall, after due notice, proceed to elect five directors, who, with a President to be elected from their own

body, shall manage the affairs of said corporation, and may hold their offices for the term of one year or until their successors shall be elected; should there be a less number of shares subscribed for than two thousand, the company when organized, may increase the same, in such manner as it may deem proper, so as not to exceed the largest amount authorized; but nothing herein contained, shall be so construed as to authorize the said company to deal in Bills of Exchange, or to receive money on deposit, or to exercise privileges, or to incur liabilities, which are not by the common law, incident to manufacturing companies.

SEC. 4. *And be it further enacted*, That a company be, and is hereby incorporated, under the name and style of the Manchester Manufacturing Company, and that A. B. Robertson, Andrew Hynes, C. Connor, William S. Waterson, Matt. Martin, Uriah Sherrill, and Thomas Powers, are hereby appointed commissioners to open books of subscription for said company, and said company shall be under the same rules and regulations, limitations and restrictions, as are provided for the Memphis Manufacturing Company.

F. BUCHANAN,

Speaker of the House of Representatives.

J. M. ANDERSON,

Speaker of the Senate.

Passed, January 19, 1848.

CHAPTER LXXXVI.

An Act to allow and entitle the counties of Sevier and Campbell to have a Director in the Branch of the Bank of Tennessee at Rogersville, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That hereafter the county of Sevier be allowed and entitled to have a Director in the Branch of the Bank of Tennessee at Rogersville, who shall be appointed as other Directors are appointed, and that said Director have all the powers, privileges and immunities of other Bank Directors in said Bank, and that he be subject to the rules, regulations and restrictions that the other Directors in said Bank are subject to.

SEC. 2. *Be it enacted*, That hereafter the county of Campbell be allowed and entitled to have a Director in the Branch of the Bank of Tennessee, at Rogersville,

Manchester
Manufacturing
Company.

County of Se-
vier allowed a
director.

County of
Campbell al-
lowed a direc-
tor.

who shall be appointed as other Directors are appointed, and that said Director have all the powers, privileges and immunities, of other Bank Directors in said Bank, and that he be subject to the same rules, regulations and restrictions that other Directors in said Bank are subject to.

SEC. 8. *Be it enacted*, That the portion of Haywood county, which lies north of Forked-deer river, be, and the same is hereby attached to the Trenton Branch Bank District.

Part of Haywood county attached to Trenton Bank Dist.

F. BUCHANAN,

Speaker of the House of Representatives.

J. M. ANDERSON,

Speaker of the Senate.

Passed, January 25, 1848.

CHAPTER LXXXVII.

An Act to authorize the Trustees of Anderson Academy, in Cocke county, to remove the Academy to Newport, the county seat.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Trustees of Anderson Academy, in Cocke county, are hereby authorized to remove the Academy to Newport, or to within one mile of that place. *Provided*, They can procure a good right and title to an eligible site, convenient to good water, upon which to erect said Academy.

SEC. 2. *Be it enacted*, That so soon as the Trustees obtain a right and title, to a suitable site, they may proceed to remove said Academy from its present location, and are authorized to use a portion of the Academy fund for that purpose.

F. BUCHANAN,

Speaker of the House of Representatives.

J. M. ANDERSON,

Speaker of the Senate.

Passed, January 26, 1848.

CHAPTER LXXXVIII.

An Act to amend an act, entitled "An act to establish an Academy in the county of Monroe," passed 5th December, 1823, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That James A. Haire, Guilford Cannon, Robert F. Cooke, Rev. Wilson Chapman, Rev. A. A. Mathis, Joseph Upton, and Joseph B. Heiskell, be and they are hereby added to the present Board of Trustees of said Bolivar Academy, with equal rights and privileges, with other Trustees of said Academy. Trustees added

SEC. 2. The Board of Trustees of said Academy, shall have authority, and they are hereby required to establish a Female Academy as a branch of said Bolivar Academy, and shall locate the same in the town of Madisonville, or within one mile thereof; that it shall require a majority of all the Trustees to constitute a body to do business. Female branch established.

SEC. 3. The said Trustees of Bolivar Academy are hereby authorized and empowered to purchase, receive, hold and dispose of any lands, tenements, goods, or chattles, which have or may be given, granted, or devised to them, or purchased by them, for the exclusive use and benefit of the female department of said Academy, in such manner as they may deem right and proper. Powers of Trustees.

SEC. 4. Said Trustees shall have power to make such rules, by-laws and regulations relating to the management, interest or government of said female department, as a majority of said board may deem expedient. *Provided,* They are not inconsistent with the laws of the land. May make by laws.

SEC. 5. The one-half of the funds now in the hands of said Trustees of Bolivar Academy, derived from bank dividends, be applied and appropriated to the said female department of said Academy, and, also, whatever sums of money may hereafter be allowed to said county of Monroe for said Bolivar Academy from bank dividends, be equally divided between said Bolivar Academy and the said female department thereof. Funds to be divided.

SEC. 6. This act shall be in force from and after the passage thereof.

SEC. 7. James Fields, Asa Faulkes, Zachaeus B. Phillips, Robert S. Thomas, John Wynne, E. A. Ferguson, and M. R. Hill, are hereby appointed trustees of Dyer Academy; and the said persons and the present trustees of said Academy, may divide said Academy into two branches, one for the education of males, and the other of females, to be separately organized, but under Trustees of Dyer Academy appointed.

the same trustees, and the said trustees shall appropriate the Academy fund of said county to the joint use of said branches of said Academy equally, in such proportions as they may deem proper.

F. BUCHANAN,

Speaker of the House of Representatives.

J. M. ANDERSON,

Speaker of the Senate.

Passed, January 25, 1846.

CHAPTER LXXXIX.

An Act to incorporate the Sycamore Shoals Iron Manufacturing Company, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the*
Incorporation. *State of Tennessee,* That a body corporate and politic is hereby established in Carter county, by the name and style of the Sycamore Shoals Iron Manufacturing Company, for the purpose of manufacturing iron machinery and implements, and all articles composed in whole or in part of iron, steel and wood, and that the said company is empowered to make and use a common seal, to change it at pleasure, to make such by-laws (not inconsistent with the laws of this State, or of the United States) as may be necessary and useful, to sue and be sued, to have succession, to hold by purchase or otherwise, (and to dispose of the same) any real estate or personal property, which may be convenient or necessary for carrying on its operations, or which it may become possessed of in payment of debts due to it, in whole or in part, or otherwise purchased; *Provided nevertheless,*
Powers. That the real estate, so held, shall at no time exceed double the maximum amount of its capital hereinafter provided.

SEC. 2. The capital stock of said company shall be
Capital stock. divided into shares of one hundred dollars each, the capital stock of which shall not be less than one hundred thousand nor more than three hundred thousand dollars, transferable only on the books of the company, and then only with the consent of the board of directors, unless the full amount of such share shall have been paid. The company shall have power to declare forfeited to it any stock upon which the instalments called for remain unpaid for, in whole or in part, or it may at its op-

tion sue for and recover the unpaid amount before any tribunal having jurisdiction of such sums, first however having given thirty days legal notice of such call having been made. Said company shall have power to transact its business at one or more points, as may be deemed expedient.

SEC. 3. The officers of the said company shall consist of five directors, who together with a President by them elected from their own body, shall manage its affairs. The said five directors shall be elected by the stockholders, each stockholder being entitled to one vote for every share of stock he may hold; said stockholder may vote either in person or by proxy, the directors shall hold their office for one year and until their successors shall have been elected.

Officers.

SEC. 4. Charles K. Gillespie, of the county of Carter, and William S. McEwin, and George L. Gillespie, of the county of Roane, are hereby appointed Commissioners to open books for subscription to the capital stock of said company; all or either of said commissioners, after having given ten days notice thereof, and when the sum of twenty-five thousand dollars shall have been subscribed, or such greater number, not exceeding the maximum sum herein before provided, the said commissioners, or either of them, shall, after due notice, proceed to hold an election for directors as provided in the third section of this act. Should there be a less amount of stock subscribed than the maximum sum provided in the first section, the company when organized, may increase the same to that amount, in such manner as it shall seem proper. Nothing herein contained shall be construed to authorize the said company, to incur any liabilities which are not incident to manufacturing companies.

F. BUCHANAN,
Speaker of the House of Representatives.

J. M. ANDERSON,
Speaker of the Senate.

Passed, January 19, 1848.

An Act to enable the commissioners of the Poor-house, in Hickman county, more effectually to provide for the poor of that county, and for the protection of public property.

Whereas, By the present mode of appointing commissioners of the poor on the first Monday in January, much inconvenience and loss in the price of provisions is incurred, and whereas the present mode of subsisting and managing the poor of said county is defective in other respects, and whereas the property of the poor house has been injured and wasted, therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That from and after the passage of this act, the county court of Hickman county, shall appoint commissioners of the poor at their quarterly term next preceding the first day of January, which commissioners shall hold their said office three years and until their successors are appointed, and they (said commissioners) shall have power to appoint a superintendent who shall continue in office until said commissioners shall appoint another in his place.

SEC. 2. *Be it enacted*, That said commissioners may, when they think it for the public interest, let out to the lowest bidder or at private contract, the keeping of any of the paupers committed to their care.

SEC. 3. *Be it enacted*, That if any person shall injure, or commit any trespass or waste upon, the timber, buildings or other property of the said poor house, he, she or they shall be indicted as for a misdemeanor, as in other cases of misdemeanor, and upon conviction, shall be fined at the discretion of the court according to the nature and extent of such injury or trespass.

F. BUCHANAN,

Speaker of the House of Representatives.

J. M. ANDERSON,

Speaker of the Senate.

Passed, January 26, 1848.

CHAPTER XCI.

An Act to incorporate the Andrew College, to be located on the site selected for the Jackson Academy of Putnam county, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That Isaac Buck and Jonathan Buck, Jr., the proprietors of said site, shall compose the faculty of said College, with the power of appointing other professors, and they and their successors are hereby constituted, and shall forever hereafter be a body corporate and politic to be known in law by the name of the faculty of Andrew College, and shall have succession for a period of five hundred years, and a common seal. Incorporation

SEC. 2. Said Andrew College shall enjoy all the rights, privileges liberties, exemptions, dignities and immunities enjoyed by any literary institution in this State, and said body corporate and politic, by the name aforesaid, shall have and are hereby invested with all legal powers and capacities to buy, receive, possess, hold, alien and dispose of any property; to sue and be sued, to plead and be impleaded, in any court of law or equity, and to do whatever may by them be deemed necessary for the benefit of said institution. Powers.

SEC. 3. The Faculty shall have full power and authority to prescribe the course of study, and to enact any by-laws, rules and regulations for the government of the same; *Provided*, they do not conflict with the constitution and laws of the United States, and the State of Tennessee, and they shall have full power and authority by and with the consent of the board of visitors hereinafter mentioned, to confer the degrees of Bachelor and Master of Arts on any student or any other person, who may possess the requisite moral and intellectual attainments, and any other degrees known and conferred by any College or University in the United States; diplomas or certificates of the same shall be signed by the Faculty and Professors, and witnessed by the Chairman Secretary of the Board of Visitors. Power of conferring Degrees

SEC. 4. A. Cullom, Wm. B. Potter, S. D. Lisle, N. A. Dibrell, Wm. Jased, A. Rodgers, R. G. and B. D. Hunter, their successors, are here- Visitors appointed.
 appointed, and shall remain for a period
 of one hundred years
 Said Faculty shall on their first
 select a Secretary from their
 and for
 the first scholastic year, to serve

Meeting of the succeeding one, or until their successors are elected.
 Board. The meeting of said board shall be semi-annually, or whenever the faculty, or any two members of the board may think it necessary, and when assembled they shall act upon and transact any business laid before them by the faculty.

Vacancies in Board. SEC. 6. When vacancies in said board shall occur, by death, resignation or otherwise, they shall be filled by election by the remaining members of the board, by and with the consent of the faculty, and that any three of said board, who may be present at any meeting, shall constitute a quorum to do business.

Branches taught. SEC. 7. In addition to the usual course of English, classical and scientific branches, as taught at other institutions of learning, scientific agriculture and horticulture, shall be both theoretically and practically taught, and such of the mechanic arts as may be deemed important to the cause of general improvement, and the faculty may have the privilege of making such arrangements with students, as may enable any member of them to pay their expenses or any part of them, while in the institution, by their labor.

Funds—how appropriated. SEC. 8. The funds and proceeds set apart for the Academy of Putnam county, for the years 1843 and 44, are hereby donated to said College, and that the faculty are authorized to collect the same, to be expended by them in purchasing a library, chemical and philosophical apparatus for the benefit of said College.

Burrett college incorporated. SEC. 9. W. B. Huddleston, D. F. Wood, F. G. Plum-blee, John Steward, Daniel Walling, John Gillintine, W. B. Cummings, Uriah York, Joshua Morris, Major Parp-son, John Morris, E. G. McKinney, Joab Hill, John Pain, James A. Haston, G. P. Cummings, N. F. Trog-don, G. W. York, J. G. Mitchell, James W. Copeland, John G. W. Woods, George W. Anderson, John A. Min-nis, Joseph Cummings, William Worthington, Abijah Crain and William Templeton, be, and they are hereby incorporated a body politic and corporate by the name of the Burrett College, and shall under that name have succession for five hundred years, and a common seal, and they and their successors by the name aforesaid, shall have and are hereby invested with all legal powers and capacities to buy, receive, possess, hold, alien, dis-pose and convey any property, both real and personal, for the use and benefit of said college, and may sue and be sued, plead and be impleaded, and may commence and prosecute any legal process and have the same in-stituted against them.

SEC. 10. The stockholders hereby incorporated shall

hold a meeting in the town of Spencer, after giving twenty days public notice, and if a majority shall meet, they may proceed to elect from their own body twelve Trustees for said college, each stockholder being entitled to one vote for each share, and said Trustees shall have full power and authority to elect a President of said college, who shall be *ex-officio* a member of said board of trustees and president of the same; also, such professors; tutors and other officers in said college as they may deem necessary, and fix their salaries, and to make such by-laws, rules and regulations as in their opinion may be expedient or necessary. Seven of said trustees shall constitute a quorum to transact business; and the president shall have authority to convene them, by giving five days notice; and it shall lie in the power of any three members of said board to call a special meeting of the trustees, by giving two weeks notice in the nearest newspaper published to said college.

Trustees—
their powers.

SEC. 11. If by death, resignation or removal of any trustees, their vacancy may be filled by the remaining trustees, first giving twenty days public notice.

Vacancy.

SEC. 12. The president and professors, with the advice and consent of the board of trustees, shall have full power and authority to confer upon any student in said college, or upon any other person the degrees of bachelor of arts, master of arts, and any other degrees known and used in any college or university in this State or in the United States.

May confer
degrees.

SEC. 13. Said trustees may receive subscription for stock in said corporation for any amount, so the capital stock shall not exceed ten thousand dollars including the stock heretofore subscribed as well as that may hereafter be subscribed shall be divided into shares of fifty dollars each; the trustees shall have full power to contract for completing the erection of said college, or doing any act they may deem for the interest of said institution in as full and ample a manner as can be given consistent with the laws of this State, and may give certificate of stock as well to those heretofore subscribed, as hereafter when said subscription is paid in.

Capital stock

SEC. 14. Said trustees shall hold their appointment for two years and until others are appointed, and shall have full power to make such by-laws as may be necessary to carry out the objects of this act, and consistent with the laws of this State.

Trustees may
make by-laws.

SEC. 15. There shall be and hereby is established in the city of Nashville a school to be called the Tennessee High School for the education of school teachers, and that A. W. Vanlier, E. H. Ewing, E. H. Foster, Joseph

Tennessee
High School
established.

Woods, V. K. Stevenson, Benjamin Litton, Mrs. Francis B. Fogg, Mrs. Joseph Woods, Mrs. John Catron, Mrs. E. P. Gaines, Mrs. Alicia Franklin, Mrs. Folor, Mrs. Matthew Watson and Mrs. A. D. Berry be and they are hereby appointed trustees for and to said school, who or any seven of whom shall have power to transact any business in relation to said institution, and by the name and style aforesaid, they may sue and be sued in all courts, and have succession for two hundred years.

Sec. 16. And that said board of trustees, a majority being present, shall have power to form and adopt a constitution and by-laws for the government of said institution, or any other ordinance, not contrary to the laws of the land; to elect such officers as they may think proper. The object of said school being the education of poor young ladies of good character, for the purpose of sending them out into the country as teachers.

F. BUCHANAN,

Speaker of the House of Representatives.

J. M. ANDERSON,

Speaker of the Senate.

Passed, January 24, 1846.

CHAPTER XCII.

An Act giving further time to perfect certain titles to lands north and east of the Congressional reservation line.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That time be given till the first day of September 1849, to perfect titles on all entries heretofore made, north and east of the Congressional reservation line.

Sec. 2. *Be it enacted,* That the provisions of this act shall apply and extend to all lands and entries thereof in this State.

F. BUCHANAN,

Speaker of the House of Representatives.

J. M. ANDERSON,

Speaker of the Senate.

Passed, January 25, 1848.

CHAPTER XCIII.

An Act to incorporate the Grand and Subordinate Divisions of the Sons of Temperance of Tennessee.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the present officers of the Grand Division of the Sons of Temperance in this State, and their successors in office, be, and they are hereby created a body corporate and politic, under the name and style of "The Grand Division of the Sons of Temperance of Tennessee," and in that name shall have power to buy, hold and sell property, and sue and be sued, and transact such business, and exercise such powers as are incident to corporations. But it is not intended hereby to authorize said Grand Division to hold at any time more real estate than may be necessary for its accommodation as a society for division rooms and grounds, or seminaries of learning or hospitals. Grand Division incorporated.

SEC. 2. *Be it enacted,* That each Subordinate Division of the Sons of Temperance that has been, or may be hereafter chartered and established in the State according to the constitution and usages of the Order, shall be a body corporate by the name given to it in their charters respectively, and in such name sue and be sued, and transact such other business as may be necessary for them as societies. They may also, in such name, hold so much real estate as may be necessary for halls and grounds for their meetings, or for such schools or hospitals as they may desire to establish. Subordinate Divisions incorporated.

F. BUCHANAN,

Speaker of the House of Representatives.

J. M. ANDERSON,

Speaker of the Senate.

Passed, January 26, 1848.

CHAPTER XCIV.

An Act giving further time for Sheriffs to settle unfinished business.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That all Sheriffs that have gone out of office within four years past, shall have two years from the passage of this act, to collect arrearages of taxes, and close other unsettled business in their hands, with all the powers of acting sheriffs.

SEC. 2. *Be it further enacted,* That the provisions of the first section of this act, be extended to the securities of collectors of the revenue, who have died within the last two years, and that they, (the securities) be clothed with as full and ample powers to collect the revenue in arrears as the collectors would be, had they lived.

F. BUCHANAN,

Speaker of the House of Representatives.

J. M. ANDERSON,

Speaker of the Senate.

Passed, January 29, 1848.

CHAPTER XCV.

An Act to authorize the Governor to issue a duplicate bond to Nathaniel White.

Whereas, Information has been communicated to this General Assembly, sustained by proof that Nathaniel White of Quinsey, in the county of Norfolk and commonwealth of Massachusetts, was the owner of a bond issued by this State for the sum of one thousand dollars, numbered 428, and dated March 22, 1839, bearing interest at the rate of five per cent. *And whereas,* it appears that said bond was on the 20th of January 1846, stolen from the said White's agent in Boston: *Therefore,*

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the Governor shall issue a duplicate of said bond reciting on its face that it is issued in lieu of the one above described; which duplicate shall be delivered by the Secretary of State to the said Nathaniel White or his duly authorized agent, on his giving against the return of said lost bond good and sufficient indemnity, to be deposited in the office of the Secretary of State.

SEC. 2. The evidence laid before this General Assembly of the loss of the aforesaid bond, shall be deposited in the office of the Secretary of State, for the future security of the State.

SEC. 3. The duplicate bond directed to be issued by this act is authorized upon the express condition that the original shall not be presented for payment, and in the event that it is, the duplicate is to be returned to the Governor to be canceled, and in that event is declar-

ed to be void; and this provision shall be expressed in the face of said duplicate.

F. BUCHANAN,

Speaker of the House of Representatives.

J. M. ANDERSON,

Speaker of the Senate.

Passed, January 28, 1848.

CHAPTER XCVI.

An Act to permanently locate the Seat of Justice in the county of Grundy, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the town of Altamont in the county of Grundy, be and the same is hereby established, as the permanent Seat of Justice of Grundy county. *Altamont, seat of justice.*

SEC. 2. *Be it enacted*, That Greek Brawley, John Fultz, Noah Bass, Robert Tate, Esq. and Thomas Bur- *Commissioners* rus, be and they are hereby appointed commissioners to advertise and sell the lots in said town of Altamont according to the plan of said town, as laid off by the former commissioners, and apply the proceeds of the sale to the construction of the public buildings.

SEC. 3. *Be it enacted*, That James Tate be and he is hereby authorized to remove or otherwise dispose of a house which he built on one of the lots in said town of Altamont. *James Tate may dispose of house.*

SEC. 4. *Be it enacted*, That the several courts in the said county of Grundy, shall be held at the house of Jesse Wooton, until suitable accommodations are provided by the commissioners at the said town of Altamont. *Courts—where held.*

SEC. 5. *Be it enacted*, That all laws heretofore passed in relation to the county seat of Grundy county, be and the same are hereby repealed, and that all laws, inconsistent with the provisions of this act, be and they are hereby repealed. *Former laws repealed.*

F. BUCHANAN,

Speaker of the House of Representatives.

J. M. ANDERSON,

Speaker of the Senate.

Passed, January 27, 1848.

CHAPTER XCVII.

An Act to establish a Chancery-Court at Rutledge, in the county of Grainger.

Be it enacted by the General Assembly of the State of Tennessee, That the county of Grainger shall compose a Chancery District, and the court for the same shall be held by the Chancellor of the Eastern Division, at Rutledge, on the first Mondays of May and November, in each and every year. The Chancellor shall appoint a Clerk and Master, and organize the court at the first term.

F. BUCHANAN,

Speaker of the House of Representatives.

J. M. ANDERSON,

Speaker of the Senate.

Passed, January 28, 1848.

CHAPTER XCVIII.

An Act for the benefit of Obion County.

Be it enacted by the General Assembly of the State of Tennessee, That the State revenue, to be collected in the county of Obion, for the years 1848, 1849, and 1850, be and the same is hereby loaned to the county of Obion, without interest, for the purpose of enabling her citizens to build a court-house for said county; and that the same be repaid to the State, in three annual instalments, the first of which payments to be made on the first day of October, 1852.

F. BUCHANAN,

Speaker of the House of Representatives.

J. M. ANDERSON,

Speaker of the Senate.

Passed, January 29, 1848.

CHAPTER XCIX.

An Act: the change the dividing line between the counties of Smith and DeKalb, so as to include the residence and farm of John Reynolds in the county of DeKalb.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the dividing line between the counties of Smith and DeKalb, be so changed as to include John Reynolds' residence and farm in the county of DeKalb, commencing where said dividing line crosses Smith's fork; running down said Smith's fork, with its meanderings, which is said Reynolds' line, to his east boundary; thence south with his line, to where it intersects the aforesaid dividing line. DeKalb county to include John Reynolds.

SEC. 2. *Be it enacted,* That the line dividing the counties of Smith and DeKalb, be changed so as to include the farm and residence of Jesse D. Allen in the county of DeKalb. DeKalb to include Jesse D. Allen.

SEC. 3. *Be it enacted,* That an act, entitled "an act to incorporate the dividing line between the counties of Campbell and Anderson," passed, January 12th, 1838, be so amended as to make it the duty of said courts to carry into effect the provisions of said act. Line between Campbell and Anderson.

F. BUCHANAN,

Speaker of the House of Representatives.

J. M. ANDERSON,

Speaker of the Senate.

Passed, January 31, 1848.

CHAPTER C.

An Act to incorporate a company to be called "The Richland Manufacturing Company, and a Company to be called "The Sumner Spinning and Manufacturing Company, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That there be established a Spinning and Manufacturing Company, and that the subscribers thereto, their associates and successors, shall be and they are hereby incorporated, and made a body politic and corporate, in fact and in name, by the name and style of "The Richland Manufacturing Company," for the purpose of spinning cotton and of manufacturing cotton and woollen goods, or either of them separately, at or near Pulaski, in the county of Giles, in this State; and by that name and style, they and their successors Incorporation.

shall be and are hereby made capable in law of suing and being sued, pleading and being impleaded, answering and being answered unto, in all courts and places whatsoever, and to make and use a common seal and the same to alter and renew at pleasure; and they and their successors and assigns, in their corporate name, shall be and they are hereby made capable in law, to purchase and hold any lands or tenements, goods or chattles, necessary or convenient for carrying on the spinning and manufacturing purposes as aforesaid, and the same to use and employ, grant and dispose of, as they shall deem proper, and to have all the rights and privileges, pertaining to corporate bodies necessary for the purposes of their incorporation; and that books for the subscription of stock in said company shall be opened in Pulaski aforesaid, under the superintendence of the following named commissioners, of said county of Giles, to wit: Thomas Martin, Andrew M. Ballentine, Benjamin Carter, Jacob Voorhies and Rufus G. P. White, a majority of whom shall have power to perform the duties of their appointment; that said commissioners shall at such times as may suit their convenience, and as to them may seem most proper, give twenty days notice of the time and place of opening said Books, in some newspaper of the county, if any there be, and three other public places of the county, and which books shall remain open for the period of ten days.

SEC. 2. *Be it enacted,* That the capital stock of said company shall be fifty thousand dollars, with the power to increase the same to one hundred thousand dollars, which shall be divided into shares of one hundred dollars each, and so soon as two hundred shares of the stock shall be subscribed the commissioners above named, or a majority of them, shall upon like notice call a meeting of the stockholders of said company, who shall proceed to elect five directors. No subscription for stock shall be valid, or make the subscriber a stockholder, unless the commissioners are satisfied the same will be paid, from time to time, as called for, or unless the subscriber shall be able to pay, or will secure the payment of the same.

SEC. 3. *Be it enacted,* That as soon as said directors are elected, and twenty per cent on the amount of stock subscribed, shall have been paid, it shall be lawful for said company to commence operations; and the directors for the time being, or a majority of them, shall have power to call for and demand of the stockholders respectively, all such sum or sums of money by them subscribed, and which shall remain unpaid, at such times, and in

When com-
pany to com-
mence opera-
tions.

such proportions, as they shall see fit, always giving notice of said calls as before specified; and the same shall, from time to time, as called for, be paid by the stockholders, under pain of the forfeiture of their shares, and all previous payments made thereon to said company.

Sec. 4. *Be it enacted,* That it shall be lawful for the stockholders or a majority of them, under the superintendence of said commissioners or directors, or a majority of them, after the books shall have remained open for ten days as aforesaid, upon like notice, at any time they shall see fit, to re-open books at the same place, for further subscriptions of stock until the whole shall be taken. Books opened for further subscriptions.

Sec. 5. *Be it enacted,* That the capital stock, property and business of said corporation shall be managed by five directors, being stockholders, to be elected as aforesaid; and they shall hold their office for one year, and until others are elected and qualified in their places; and the stockholders may vote, either in person or by proxy, and all elections shall be by ballot, allowing each share one vote; the stockholders shall appoint three persons from among themselves, to be inspectors and judges of the first election, and the said directors, when elected, shall choose one of their number President; and the said president and directors shall annually thereafter, by public notice as aforesaid, call meetings of the stockholders for electing directors of said company, and shall appoint three stockholders as inspectors and judges of elections; and if the president and directors shall fail, refuse or neglect to call annual meetings, for the election of directors as herein prescribed, the stockholders, or a majority of them, may give the notice, call meetings, and elect directors, in like manner, as if the said president and directors had given notice as prescribed by this act; but if it shall happen, that two or more stockholders have an equal number of votes, then the directors, for the time being, shall, by ballot, determine which of said stockholders shall be director or directors. And the said president and directors, or a majority of them, may, from time to time, make, ordain and execute such by-laws and regulations for the government of said corporation in its proceedings, and for the management of the stock and property of said company as may, by them, be deemed necessary and convenient. *Provided,* The same be not repugnant to the constitution and laws of this State, or of the United States. And the said president and directors, or a majority of them, may appoint such agents, clerks and secretaries as they shall think proper and useful for the purposes of said company, and Directors, and their powers.

may take of them such bond or bonds, with security, for the faithful performance of the duties assigned them, as shall be thought necessary, allowing said agents, clerks and secretaries such compensation as shall be agreed upon, and may remove them, or any of them, at pleasure. And if any vacancy shall happen among the directors, by death, resignation or otherwise, such vacancy may be filled until the next annual election, by such person or persons as the other directors may appoint.

Failure to elect directors no dissolution. SEC. 6. *Be it enacted*, That if it should happen that an election of directors should not be made on the day designated in the notice, the said corporation shall not, for that cause, be deemed dissolved, but it shall and may be lawful to make and hold an election for directors on some other designated day, of which notice may be given.

Stock personal property. SEC. 7. *Be it enacted*, That the stock and property of said corporation, of whatever nature or kind the same may be, shall be deemed personal property, and shall be assignable and transferable on the books of said corporation, in such manner as shall be prescribed by the by-laws of said corporation.

Dividends—how made SEC. 8. *Be it enacted*, That a dividend of the profits of said corporation shall be made annually, or semi-annually, as shall be thought best by the said President and Directors, among the stockholders; but no stockholder, indebted to the corporation, shall be permitted to receive a dividend until such debt be paid to the satisfaction of said President and Directors.

President and Directors to keep books. SEC. 9. *Be it enacted*, That said President and Directors shall keep, or cause to be kept, proper books of account of the business and affairs of said company, which shall be subject, at all times, to the inspection of each and all the stockholders; and the President and Directors, on going out of office, shall account to their successors, and pay over all monies, assets, and effects of the company in their hands.

Sumner Spinning and Manufacturing Co. incorporated. SEC. 10. *Be it enacted*, That there be established in the county of Sumner, in this State, a Spinning and Manufacturing Company, and that the subscribers thereto and their associates and successors are hereby incorporated and constituted a body politic and corporate in fact and in name, to be known by the name and style of "The Sumner Spinning and Manufacturing Company," to have succession for ninety-nine years, for the purpose of manufacturing cotton and woollen goods, or either, and by that name they and their successors shall be, and are hereby made capable in law of suing and be-

ing sued, pleading and being impleaded, and answering and being answered unto, in all courts whatsoever; and of having and using a common seal; and to be entitled to, and enjoy all the privileges, and to exercise all the rights conferred by this act upon "The Richland Manufacturing Company," and be subject to the same restrictions.

Sec. 11. *Be it enacted*, That books for the subscription to the stock of said company shall be opened in the town of Gallatin, under the superintendence of the following commissioners, to wit: John J. White, John Branham, Henry B. Vaughan, Jo. C. Guild, Elijah Boddie, Joseph Miller, Young W. Douglass and James A. Blackmore, or any three of them, at any time that they shall deem proper, after giving ten days notice thereof, and shall keep said books open until the stock of said company, or thirty thousand dollars thereof, shall be subscribed.

Commissioners
to open books.

Sec. 12. *Be it enacted*, That the capital stock of said company shall not be less than thirty thousand dollars, and may be increased, at the option of the stockholders, to one hundred thousand dollars, to be divided into shares of one hundred dollars each, and so soon as three hundred shares of the stock of said company shall be subscribed for, it shall be the duty of said commissioners to give twenty days notice for the election of five directors of the company, who shall be elected by the subscribers to the stock of said company, under the same rules prescribed by this act, for the election of directors in "The Richland Manufacturing Company," and said board of directors shall organize, and be governed in all things according to the provisions of this act in reference to the said Richland Manufacturing Company.

Capital stock.

Sec. 13. *Be it enacted*, That there be established in the county of Smith, at or near the town of Carthage, a Spinning, Weaving and Manufacturing Company, and that the subscribers thereunto, are hereby incorporated and constituted a body corporate and politic in fact and in name, to be known by the name and style of "The Smith County Manufacturing Company," to have succession for ninety-nine years, for the purpose of manufacturing cotton and woollen goods, or either, and by that name; they and their successors shall be, and hereby are made capable in law or equity, of suing and being sued, pleading and being impleaded, of answering and being answered unto, in all courts whatsoever, and of having and using a common seal, and to be entitled to and enjoy all the privileges, and exercise all the rights conferred by this act upon the "Richland Manufacturing Company," and be subject to the same restrictions.

Smith county,
manufacturing
company incor-
porated.

Commissioners
to open books.

Sec. 14. That books for subscription of stock to the said company, shall be opened in the towns of Carthage, Room and Dixon's Springs, under the superintendence of the following commissioners, to-wit: William B. Campbell, William Cullom, Jeremiah Jamison, William Young, Dr. Timothy Walton, Henry B. McDonald, John McClain, Henry Dowdy, S. E. Mitchell, John J. Burnett, James High, Edward B. Pickett, David Burford, Dr. James Bradley, Buxton Harris, John Bedford, William Seay, George W. Catron, Daniel Seay, Horie Oliver, Josiah R. Smith, Gregory Moore, James K. Vaughan, Wilson Martin, or any three of them, at any time they may think proper after giving ten days notice thereof, and shall keep said books open until the stock of said company, or fifteen thousand dollars thereof shall be subscribed.

Capital stock,

Sec. 15. That the capital stock of said company shall not be less than twenty thousand dollars, and may be increased to one hundred thousand dollars, to be divided into shares of one hundred dollars each, and so soon as one hundred and fifty shares of the stock of said company shall be subscribed, it shall be the duty of said commissioners to give twenty days notice, for the election of five directors of the company, who shall be elected by the subscribers to the stock of said company, under the same rules prescribed by this act, for the election of directors in "The Richland Manufacturing Company," and said board of directors shall organize and be governed in all things according to the provisions of this act, in reference to said Richland Manufacturing Company.

Murfreesboro'
Manufacturing
Company.

Sec. 16. *Be it enacted*, That James C. Moore and Robert S. Currin, and their successors, are hereby incorporated by the name and style of the Murfreesborough Manufacturing Company, with all the immunities and privileges, and subject to all the liabilities of "The Tennessee Manufacturing Company," incorporated by an act of the General Assembly, passed on the 27th January, 1844, chapter clxii, entitled "an act incorporating the Tennessee and other manufacturing companies."

F. BUCHANAN,

Speaker of the House of Representatives.

J. M. ANDERSON,

Speaker of the Senate.

Passed, January 17, 1847.

CHAPTER CL.

An Act prescribing the mode of choosing Electors to vote for President and Vice President of the United States.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the qualified voters for the members of the General Assembly of the State shall meet at their respective court houses, and other places appointed by law for holding elections in each and every county, on the first Tuesday after the first Monday in November, 1848, and vote for thirteen Electors of President and Vice President of the United States, as by the constitution and laws of this State they are to vote; and that the County Court of each and every county in this State shall and they are hereby required to appoint three Judges for every place of voting in their respective counties, all of whom shall be sworn to conduct said election as herein required; at which elections the same rules and regulations shall be observed by the several Sheriffs, Coroners, Judges, Clerks, voters and others, as are now required by law, in electing members of the General Assembly.

Elections—
where & when
held.

SEC. 2. *Be it enacted,* That each Congressional district in this State, shall make an electoral district, and that one Elector shall reside in each of said districts.

SEC. 3. *Be it enacted,* That there shall be two Electors for the State, who may reside in any part of the State; and that any citizen, qualified by law to vote for members of the General Assembly, shall be qualified to vote for the whole number of electors, to be resident as aforesaid; and the thirteen persons aforesaid, receiving the highest number of votes in the whole State, shall be declared the Electors.

Two Electors
for State at
large.

SEC. 4. *Be it enacted,* That it shall be the duty of the Sheriff or Coroner, or other person or persons, as the case may be, of the respective counties of this State, holding elections, to meet at the court house of the county in which they reside, on the day immediately succeeding said elections, and compare the votes polled for Electors as aforesaid, and make out a triplicate statement of the number of votes received by each person, who may have been voted for as Electors of President and Vice President of the United States, and deposit one of the statements, regularly certified by the officers holding said elections, in the office of the Clerk of the County Court, taking his receipt therefor, and deposit one copy in the Post Office at the Court house of the county, where said election may be held, directed to the

Returns of
Election—how
made.

Governor and Secretary of State, and to direct the other in the same way by the next mail immediately thereafter, and take receipts of the post master for the same; and any Sheriff, Coroner, or other person or persons, as the case may be, failing to comply with the provisions of this act, shall forfeit and pay five hundred dollars, to be recovered by action of debt by any person who may sue for the same, before any tribunal having cognisance thereof.

Returns to be
made to Gov-
ernor and Sec.
of State.

SEC. 5. *Be it enacted*, That the Governor and Secretary of State, shall receive all the returns, made by the officers holding said elections, from the post office in Nashville, except from such officers as may choose to make returns to the Governor and Secretary of State in person, immediately thereafter; and the same shall be as valid as if transmitted by mail as aforesaid; and it shall be the duty of the Governor and Secretary as aforesaid, on receiving said returns of the respective officers of the State holding said election for President and Vice President, to compare the same; and upon ascertaining the thirteen persons receiving the highest number of votes in the whole State, resident as aforesaid, to furnish each person with a certificate of his election, and cause the same to be published in at least one newspaper published at the following places, to wit: Nashville, Jackson and Knoxville.

Penalties on
holders of elec-
tions.

SEC. 6. *Be it enacted*, That the several persons, who shall be appointed to conduct the election for Electors, of President and Vice President of the United States shall be liable to the same penalties and forfeitures, as are provided by law for the regulations of elections in this State.

Vacancies in
Electoral Col-
lege—how fill-
ed.

SEC. 7. *Be it enacted*, That each elector of President and Vice President of the United States, shall, before the hour of twelve o'clock, on the day next preceding the day fixed by law of Congress to elect a President and Vice President of the United States, give notice to the Governor that he is at the seat of Government, and ready at the proper time, to perform the duties of elector; and the Governor shall forthwith deliver to the electors present, a certificate of all the names of the Electors; and if, on examination thereof, it shall be found that one, or more of said electors are absent, and shall fail to appear before 9 o'clock in the morning of the day of election of President and Vice President as aforesaid, the Electors there present, shall immediately proceed to elect by ballot, in the presence of the Governor, any qualified resident citizen or citizens of the State, as the case may be, to fill such vacancy or vacancies, as may have occur-

ed through the non-attendance of any one or more of the Electors.

SEC. 8. *Be it enacted*, That the Electors so elected shall meet in the City of Nashville, on the first Wednesday in December, one thousand eight hundred and forty-eight, and vote for President and Vice President of the United States, and make return thereof, agreeably to the laws of the United States, in that case made and provided; and each Elector shall be allowed four dollars for every twenty-five miles he shall necessarily travel, in going to and returning from the seat of Government, and four dollars per day, whilst attending at the same as electors, for which the Governor may issue his warrant to the Treasurer of this State. Electors—
when & where
to meet.

SEC. 9. *Be it enacted*, That the Sheriff and Coroner, of each and every county in this State, shall advertise at the Court house, and in each civil district in their respective counties, the day on which said election of electors of President and Vice President shall take place, at least sixty days before the time appointed for holding said election. Sheriffs to ad-
vertise.

SEC. 10. *Be it enacted*, That the qualified voters resident within any of the new counties, established by the General Assembly, shall vote in the counties from which they have been detached respectively since 1840, agreeably to the provisions of the tenth article, section five of the Constitution of the State of Tennessee. New counties
to vote with
counties from
which detach-
ed.

SEC. 11. *Be it enacted*, That it shall be the duty of the Sheriff, Coroner, or other person holding said election, to appoint two Clerks, at each place of holding said election, in their respective counties, who shall take the same oath, as is provided by the laws of this State to be taken by the Clerks holding elections; and if the County Court shall neglect or omit to appoint Judges to hold said election, as provided in this act, it shall be the duty of the Sheriff, or other officer holding said election to appoint Judges, out of the by-standers at said election, to hold the same.

F. BUCHANAN,

Speaker of the House of Representatives.

J. M. ANDERSON,

Speaker of the Senate.

Passed, January 17, 1848.

CHAPTER VII.

An Act to refund to Perry county, a portion of the School Fund, wrongfully withheld by the State, under the act of 1843 and 4.

Whereas, Under provisions of the act of 1844, chapter 159, and 1846, chapter 100, the county of Perry has been charged with principal of school fund, received under the act of 1831, chapter 16, from the Bank of the State of Tennessee, the sum of five thousand six hundred and twenty-nine dollars and eighty-three cents, and has been credited with all payments of school fund, principal and interest, since made to the superintendent of public instruction, the sum of four thousand ninety-seven dollars and two cents, leaving a balance of charge against said county of one thousand five hundred and thirty-two dollars and eighty-one cents, which balance has been retained by the State, out of the annual distributive school fund due to said county; *and whereas*, the sum of four hundred and ninety-seven dollars was in the month of September, 1839, forwarded by the agent of the state board of common school commissioners to the superintendent, in obedience to his order, but miscarried and never reached said superintendent, and the superintendent failed to credit to the county, *Now therefore*, that Perry county may not unjustly sustain this loss, over which she could have no control,

Be it enacted by the General Assembly of the State of Tennessee, That in the next annual appropriation of school fund, the Treasurer of Tennessee, be and he is hereby required to set apart to Perry county according to the *pro rata* of common school fund due said county, in the year 1844, in addition to the proper distributive share of said fund according to scholastic population, the sum of four hundred and ninety-seven dollars, the amount unjustly withheld, to be paid to the County Trustees as other school monies are now paid by law, and such portion as shall be due to Decatur county since the division of Perry county shall be paid over by the Trustees of Perry, to the Trustees of Decatur county forthwith after the receipt thereof.

F. BUCHANAN,

Speaker of the House of Representatives.

J. M. ANDERSON,

Speaker of the Senate.

Passed, January 29, 1848.

CHAPTER CIII.

An Act to amend the law establishing a county Academy, in the county of Sevier, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That all laws heretofore passed requiring the county Academy in Sevier county, to be located within one mile of the county seat of said county, be and the same is hereby repealed. Former laws repealed.

SEC. 2. *Be it enacted*, That George McMahon, Daniel Emert, John Walker, Robert H. Hodsdon, John Mulendore, William Catlett, James Cummings, John W. Trundle, Allen S. Bryan, Alexander McCallie and Benjamin J. Tipton, be and they are hereby appointed commissioners to select a suitable site on which to locate said Academy, which site may be at the town of Sevierville, but shall in no wise be located further from said town than two and one fourth miles, and it shall be the duty of said commissioners to locate said Academy as near said town of Sevierville, as a suitable site can be reasonably procured. Commissioners

SEC. 3. *Be it enacted*, That the County Court of Marion county, have full power and authority to grant the privilege of building one or more free bridges across Battle Creek in Marion county, under such restrictions as they may think proper to prescribe. Marion county may build bridges.

F. BUCHANAN,

Speaker of the House of Representatives.

J. M. ANDERSON,

Speaker of the Senate.

Passed, January 28, 1848.

CHAPTER CIV.

An Act to incorporate the Trustees of an Academy in Hamilton county, to be called the Chattanooga Seminary.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That H. W. VanAldenhoff, President, Robert M. Hook, William W. Anderson, Allen Kennedy, Milo Smith, Thomas McCallie, James A. Whiteside, John P. Long and John G. Glass, shall be, and they are hereby declared to be a body politic and corporate by the name of the "President and Trustees of the Chattanooga Seminary," and they shall have suc- Incorporation.

cession, and a common seal, and the said trustees and their successors, or the president and any five trustees, shall have and they are hereby vested with legal power and capacity to buy, receive, possess, alien, and dispose of, any property or money, for the use and benefit of said Institution; and may sue and be sued, commence and prosecute any legal proceeding, and have the same instituted against them in the most ample manner.

SEC. 2. *Be it enacted,* That the president of the Seminary, with any five of the trustees who may be present at the Academy, shall be a board adequate to the transaction of business; and in the absence of the president, any five of the trustees, being convened on their own adjournment, may choose a Vice President to act during such absence; and the president or any trustee, shall have the right at any time to resign his office, by signifying such resignation to the board; and the board shall have power to remove from office the President, Vice President, or any trustee, when they may think proper, and to fill all vacancies which may occur in the board by removal, death, resignation or otherwise.

SEC. 3. *Be it enacted,* That the board shall have full power to appoint a Secretary, Treasurer, Tutors and all officers necessary for conducting the concerns of the Academy, and to displace and supersede them at pleasure; and they shall meet on their own adjournment, or at the call of the President or Vice President, or any two of the Trustees at the Academy, and they shall have power to adopt any measure they may think proper to advance the cause of literature at said Academy; and to make any by-laws, rules and regulations relating to the same, and the government thereof, and their own proceedings, as a majority of said board may deem right and proper; *Provided,* they are not inconsistent with the constitution and laws of the United States, or of the State of Tennessee.

F. BUCHANAN,

Speaker of the House of Representatives.

J. M. ANDERSON,

Speaker of the Senate.

Passed, January 17, 1848.

CHAPTER CV.

An Act to amend the act incorporating the town of Shelbyville.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the Mayor and Aldermen of the town of Shelbyville, shall have the same power to tax ^{Powers of corporation.} all property, real, personal, and mixed, which is or may be included within the limits of the corporation of said town, as hereby extended and established under and by virtue of an act, passed in 1832, chap. 67, entitled "an act to extend the limits of the corporation of the town of Shelbyville;" and that said corporation of the town of Shelbyville, be subject to all liabilities and conditions, obligations, restrictions and immunities, in regard to streets, lanes, or alleys, within said limits, as are imposed and required by the act of 1819, chap. 16, entitled "an act to incorporate the inhabitants of the town of Shelbyville, in the county of Bedford," within the limits of said corporation, as established by said act of 1819, chap. 16. *Provided,* That said Mayor and Aldermen shall not have the power to open streets, lanes and alleys without the consent of the owners of the real estate through, by or over which they are to pass.

SEC. 2. *Be it enacted,* That the middle of Duck river be the boundary of the corporation of said town of Shelbyville, from the point where the western boundary of said corporation strikes said river, up the same to the point where the southern boundary of said corporation leaves or strikes said river, or where said southern boundary ought to leave or strike said river, if run according to the provisions of said act of 1832, chap. 67. ^{Boundaries.}

SEC. 3. *Be it enacted,* That the 2d section of an act, passed on the 28th July, 1820, chap. 147, entitled "an act to regulate the corporation of the town of Murfreesborough," be and the same is hereby repealed.

F. BUCHANAN,

Speaker of the House of Representatives.

J. M. ANDERSON,

Speaker of the Senate.

Passed, January 19, 1848.

CHAPTER CVI.

An Act defining the duties of the Chairmen of the County Courts in this State.

Duty of chairmen. SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That all business for the action of the several County Courts in this State, shall be presented to the Chairman thereof, whose duty it shall be to announce the same to the court, and take the vote thereon; and no business shall be acted on by the court, unless presented as herein required, except by the consent of a majority of the Justices present.

Courts may appoint chairmen. SEC. 2. *Be it further enacted,* That if the Chairman of said court should be absent from any term thereof, it shall be lawful for the court, and it is hereby made their duty to appoint a Chairman, *pro tem*, who shall be invested with the same powers, and governed by the same regulations, and perform the same duties, as are herein set forth, and required of the Chairman of the several County Courts in this State.

F. BUCHANAN,

Speaker of the House of Representatives.

J. M. ANDERSON,

Speaker of the Senate.

Passed, January 31, 1848.

CHAPTER CVII.

An Act to authorize Isaac Whittenburg, of the county of Bledsoe, and Daniel Walling, of Van Buren county, to open a Turnpike Road.

Incorporation. SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That Isaac Whittenburg, of the county of Bledsoe, and Daniel Walling, of Van Buren county, are hereby constituted a body politic and corporate for the purposes herein specified, and they are hereby authorized to open and cut out a turnpike road, commencing at a point on the south east side of Cane Creek, at or near Burden Wheeler's, in Van Buren county, thence crossing Cumberland Mountain, the nearest and most practicable route to intersect Thos. Gardner's turnpike road at the top of said mountain in Bledsoe county; which road, where the situation of the country will admit of it, shall be opened eighteen feet wide, clear of

Description of road.

stumps, rocks and other obstructions, and causewayed where necessary; and where the nature of the ground is such that it cannot be extended to the width herein required, said road may, with the consent of the commissioners, be reduced to any width not less than twelve feet, clear of stumps, rocks and other obstructions; and if there should be any creek or creeks that from their nature require it, there shall be good and substantial bridges built across them; and if there should be any swamps over which said road may be taken, it shall be the duty of the proprietors of the said road to causeway said road with either stone or wood, to be made over said swamps at least twelve feet wide, clear of stumps, logs or other obstructions.

Sec. 2. *Be it enacted*, That said road shall always be kept in repair, and if it should be permitted to be, and remain out of repair for two months at any one time after the road is opened and established by commissioners herein after appointed by this act, said commissioners shall immediately make report thereof to the County Court of either Bledsoe or Van Buren county, if it should be six months before the session of the Legislature; and when said court shall receive said report, they shall order it to be recorded, and said commissioners shall also proceed to open said turnpike gate, and keep the same open until said road shall be by them adjudged to be in good and sufficient order, they may then grant license under their hands and seals, to said proprietors to shut the said gate for the purpose of exacting toll; and if said proprietors shall either directly or indirectly exact, take or receive any toll during the time said commissioners set said gate open, said proprietors for every such offence shall forfeit and pay the sum of seventy dollars to be recovered before any Justice of the Peace by any person who will sue for the same; and if the said road shall be permitted to be and remain out of repair any time within six months before the session of the Legislature, said commissioners after setting open the gate, shall report the same to the General Assembly, whose duty it shall be to elect new proprietors, who, when so elected, shall be entitled to receive all the toll rated in this act, and shall be bound by the same duties, regulations, restrictions and penalties as are prescribed by this act for the original proprietors to do and perform.

Penalty when
road is out of
repair.

Sec. 3. *Be it enacted*, That John B. Hill of Van Buren county, and William S. Dalton of Bledsoe county, are hereby appointed commissioners to view said road when finished, and when the proprietors shall notify the said commissioners that the said road is cut out and com-

Commissioners

Rates of toll.

pleted for use, said commissioners shall proceed to examine said road, and if said road is in their opinion in the order contemplated by this act, they shall proceed to license said proprietors, to keep a toll gate on the top or at the base of said mountain, which license shall be under their hands and seals, and thereupon said proprietors may proceed to erect a toll gate on said road, and shall be entitled to receive the following rates of toll, to wit: for each wagon and team, fifty cents; cart and driver, twenty-five cents; four wheeled carriage of pleasure, seventy-five cents; two wheeled carriage of pleasure, thirty-seven and a half cents; man and horse or mule, twelve cents; loose or led horse or mule, not in a drove, six cents; each horse or mule, in a drove, three cents; each head of cattle, two cents; each head of hogs or sheep, one cent; *Provided*, that no person or persons taking his, her or their live stock to range on the mountain or returning with the same therefrom, shall be liable to pay toll at said gate; and said proprietors shall measure and mile mark said road on suitable posts, and keep the same mile marked as other roads.

Commissioners to take oath.

SEC. 4. *Be it enacted*, That the commissioners herein appointed by this act, shall, before they enter upon the duties of their appointment, take and subscribe the following oath before some Justice of the Peace of said county of Bledsoe or Van Buren, to wit: I do solemnly swear that I will well and truly perform the duties enjoined on me by this act according to the best of my knowledge and ability, so help me God; and said commissioners shall be entitled to receive at the rate of two dollars per day for every day they may be necessarily employed in performing the duties enjoined on them by this act, to be paid by the proprietors of the road.

Damages recoverable.

SEC. 5. *Be it enacted*, That if any part of said road shall be out of repair at any time after it is received by said commissioners, and by reason of which any person or persons shall sustain any damage, either in person or property, he, she or they may have and sustain an action on the case against said proprietors for the damage sustained.

Penalty for evading toll.

SEC. 6. *Be it enacted*, That if any person or persons shall pass such gate arbitrarily, or within one mile thereof, for the purpose of evading the toll, such person or persons shall forfeit and pay for every such offence to said proprietors the sum of ten dollars, to be recovered by action of debt before any Justice of the Peace in this State.

Mail carriers to pass free.

SEC. 7. *Be it enacted*, That any mail carrier on horse back shall at all times pass said gate free from paying

any toll, and that all mail stages shall be permitted to pass said gate by the payment of one half of the toll.

SEC. 8. *Be it enacted*, That the Legislature, after the lapse of thirty years, shall be authorized to repeal the charter hereby granted. Charter may be repealed.

SEC. 9. *Be it enacted*, That nothing in this act contained shall be construed to authorize or require the Governor, on behalf of the State, to subscribe for any part of the capital stock of said company.

SEC. 10. *Be it enacted*, That if said road shall not be commenced and finished within three years from the passage of this act, then the privilege hereby granted shall be void. To be commenced in 3 years.

F. BUCHANAN,

Speaker of the House of Representatives.

J. M. ANDERSON,

Speaker of the Senate.

Passed, January 28, 1848.

CHAPTER CVIII.

An Act to revive and extend an act entitled "an act to charter Bledsoe Creek Turnpike company in the county of Sumner and for other purposes," passed 12th December, 1845, so far as said act relates to the Sparta and Smithville Turnpike road.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the commissioners of said road in said act mentioned, or any three of them, shall be authorized to open books of subscription for stock in said road, first giving thirty days notice in some newspaper published in Lebanon or Sparta, which books said commissioners shall keep open for the subscription of stock at Smithville, and Sparta, at any time they may deem expedient, for the term of one year from and after the passage of this act, upon the same terms and under the same rules, regulations and restrictions set forth in the act which this is intended to revive. Commissioners to open books.

SEC. 2. *Be it enacted*, That said turnpike road shall commence at the terminus of the Lebanon and Sparta turnpike road at the west end of the road, the charter of which this is intended to amend, and that no gate shall be put up east of any portion of said road that is unfinished according to said charter. Where road to commence.

SEC. 3. *Be it enacted*, That it shall be the duty of the

When to be commenced. President and directors of said company, to cause to be commenced the opening of said road within two years from and after the passage of this act, or on failure so to do the charter for the same shall be null and void, and of no effect.

SEC. 4. *Be it enacted*, That the present company known and designated, as the Sparta and Crab Orchard Turnpike Company, incorporated by an act of the General Assembly passed on the 6th of December, 1845, entitled an act for the relief of the proprietors of the turnpike road leading from Sparta to the Crab Orchard, chapter 11, of acts of 1845-6, have the further time of two years from and after the passage of this act, to put said road where the same now runs, in the repair and to the grade required by said act, and when said road is made to the grade, and made otherwise as required by said above recited act, said company shall have all the privileges and be subject to all the liabilities required by said act.

F. BUCHANAN,

Speaker of the House of Representatives.

J. M. ANDERSON,

Speaker of the Senate.

Passed, January 21, 1848.

CHAPTER CIX.

An Act to authorize the sale of a certain piece of land in Anderson, or in Anderson and Roane counties.

Richard Oliver authorized to sell land. SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Richard Oliver of Anderson county, be authorized to sell at public sale, having previously given public notice, that portion of a tract of land held by the State, taken in payment of a debt due the State Bank of Tennessee by Moses Winter; said Oliver shall execute a deed to the purchaser as the agent for the State, he shall receive the money in payment for the land, and having paid the expenses of the sale, deposit it in the Branch of the Union Bank of the State of Tennessee at Knoxville, subject to the check of the Treasurer of the State.

SEC. 2. *Be it further enacted*, That said agent sell said lands on such credit as he may think most conducive to the interest of the State; *Provided*, nothing in this act contained shall be so construed as to impair or

lessen the interest any citizen or citizens may legally have in said land; *and provided further*, that if the agent named in this act shall fail or refuse to carry out its provisions, it shall be the duty of the County Court of Anderson county to appoint an agent to carry out the provisions of this act with the same powers conferred by the preceding section of this act.

F. BUCHANAN,

Speaker of the House of Representatives.

J. M. ANDERSON,

Speaker of the Senate.

Passed, January 29, 1848.

CHAPTER CX.

An Act to give different counties in this State certain school monies, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That wherever any monies may have heretofore been appropriated to common schools, in any county in this State, and may have been paid to any board of county common school commissioners, or to the clerk or treasurer of said board of commissioners, and where the same may have come into the hands of any person whatever, and where the same has not been accounted for, and paid over to those entitled to receive it, it shall and may be lawful for the county trustee, and it is hereby made his duty, in any such county, to demand, sue for, and collect any, and all such monies, from any such commissioners, their clerk, or treasurer, or either, or any other person, their executors or administrators, or from the executor or administrator, and securities of such commissioner, or from the executors, administrators, and securities of such clerk, or treasurer, or both, and at the proper cost and expense of the county.

County Trustee
to demand cer-
tain monies.

SEC. 2. *Be it enacted,* That the trustees of the different counties in this State, who may collect any monies under this act, or the act or acts of 1844, chap. 159, and of 1846, entitled "an act to explain and amend the 2nd section of an act, passed, January 1844, chap. 159," shall distribute the same among the common school districts in said county according to their scholastic population.

Trustees to
distribute.

SEC. 3. *Be it enacted,* That before any trustee shall receive any of said money, he shall execute his bond, with good and sufficient security, in open court, payable to the chairman of the county court, and his successors in office, in double the amount of money which it may be supposed will come into his hands, under this act, to be approved of by the county court of the county for which he is trustee, conditioned for the faithful application of said money, according to the provisions of this act.

SEC. 4. *Be it enacted,* That said trustee shall, at the first county court after he shall have collected any money under this act, return an inventory thereof, under oath, to said court.

SEC. 5. *Be it enacted,* That he shall be allowed six months after he shall have collected said money, and no longer, to distribute the same as required by this act, and shall make settlement of the funds thus collected, annually, with the clerk of the county court. *Provided,* Said trustee shall be allowed five per cent. on the amount collected, as full compensation for his trouble, and the clerk of the county court fifty cents for taking bond from said trustee, and one dollar for making settlement as required by this act.

SEC. 6. *Be it enacted,* That for any default of the trustee under this act, he shall be proceeded against as for other defaults under existing laws, so far as the same may be applicable.

F. BUCHANAN,

Speaker of the House of Representatives.

J. M. ANDERSON,

Speaker of the Senate.

Passed, January 28, 1848.

CHAPTER CXI.

An Act to extend the corporate limits of the Town of Winchester, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the corporate limits of the Town of Winchester, in Franklin county, be and the same are hereby so extended, as to embrace the following limits, to wit: Beginning at the south end of the bridge across the boiling fork, north of said town; thence

up-said boiling fork, with its meanders to a point opposite Judge Green's dwelling house; thence southwardly so as to include the respective dwelling houses of Judge Green, Elizabeth Meridith, M. W. Robinson, A. J. Brazleton and James Harris, to a point south of the dwelling house lately owned by J. W. Ogden, so as to include the same; thence north west, so as to include the houses and lots of L. P. Adams and Thomas O. Garwin, to a point west of B. F. Russey's, so as to include the house of said Russey; thence north east, so as to include A. H. Johnson, Spencer Hunt, the Male Academy, and the property lately purchased by James M. Anderson of H. Brown to the boiling fork; thence with the meanders of the same to the beginning.

SEC. 2. *Be it enacted*, That the town of Alexandria, Alexandria is incorporated. and the inhabitants thereof, be and they are hereby declared, to be a body politic, with succession for thirty years as such; and that said corporation be authorized to sue and be sued, plead and be impleaded, by the name of the Mayor and Aldermen of the town of Alexandria; and they by that name be authorized and empowered to receive property, real, personal, or mixed, by deed, or gift, or otherwise, and that they have full power and authority to sell and convey the same, by deed, or otherwise, for the use of the corporation aforesaid, under such rules and regulations as they may make, so that the same are not inconsistent with the laws of this State; that said corporation may have and use a corporate seal, to be called the seal of the corporation of Alexandria.

SEC. 3. *Be it enacted*, That said corporation shall have power to pass by-laws, a majority of the Aldermen Laws of corporation. together with the Mayor being present, for the preservation of the health of said town, for the removal of nuisances, for the improvement of the streets, and public square of said town; also to lay a tax or taxes on persons, property and privileges, in the corporation of said town, and to pass by-laws for the purpose of carrying into effect the intent and meaning of this act, and the provisions thereof, so the same are not contrary to the constitution and laws of this State; and that said corporation by the Mayor and Aldermen thereof, have power to pass all laws and ordinances necessary and proper, for the purpose of carrying into effect this act, as is common to other corporations.

SEC. 4. *Be it enacted*, That the officers of said corporation shall consist of a Mayor and six Aldermen, a Constable, a Treasurer and Recorder, to be elected by the persons living in the corporation of said town, who Officers. now by law are entitled to vote for Governor, members

of the Legislature &c., said officers to hold their office for the term of one year, from the time of their induction into office, and until their successors are elected and qualified.

SEC. 5. *Be it enacted,* That the Constable of said corporation shall upon his going into office, give bond with security to be approved by the Mayor and Aldermen, in an amount to be fixed by them, which bond shall be conditioned, to collect and safely keep and pay over all monies due and owing to said corporation, and to faithfully execute all such process as may be placed in his hands, said bond to be made payable to the Mayor of said corporation and his successors in office, and for any breach or neglect of duty, said Constable shall be liable on his said bond by motion, as Constables now are by law in other cases, which motion shall be before any Justice of the Peace having jurisdiction of the same, in the name of the Mayor of said corporation, for the use of said corporation.

SEC. 6. *Be it enacted,* That the Treasurer of said corporation shall, upon his going into office, give bond and security, conditioned that he faithfully keep the taxes and revenue of said corporation, and pay the same over according to the laws of said corporation, which bond shall be made payable to the Mayor of said corporation in the same manner as the bond of the constable of said corporation, and for any breach or neglect of duty, said treasurer shall be liable in like manner with the constable of said corporation, or in such manner as said corporation may direct by the by-laws; *Provided, always,* That any officer of said corporation against whom any judgment may be rendered, shall have the right of appeal as in other cases of appeals.

SEC. 7. *Be it enacted,* That the Mayor and Aldermen, Constable, Treasurer and Recorder of said corporation, shall upon going into office respectively take the following oath before some Justice of the Peace of DeKalb county: "I do solemnly swear that I will well and truly discharge the duties of the office of _____ for and during my continuance in office, so help me God," which said oath shall be reduced to writing and filed in the office of the Justice before whom the same is made, signed by the party making the same.

SEC. 8. *Be it enacted,* That the constable and treasurer of said corporation be allowed such fees for their services as the board of Mayor and Aldermen of said corporation may fix.

SEC. 9. *Be it enacted,* That all suits in favor of, or against said corporation, shall be in the name of the

Mayor and Aldermen of the corporation of Alexandria, and service of any process on the Mayor of said corporation shall be sufficient to compel the appearance of said corporation as a body politic. Suits.

SEC. 10. *Be it enacted*, That the sheriff of DeKalb county or his deputy, shall on the second Monday in February next, and on the second Monday in February in each and every year thereafter, open and hold an election at the house where elections are usually held in the town of Alexandria, for the purpose of electing the officers of said corporation, the result of which election, shall be certified by the sheriff or his deputy holding said election, and filed in the office of the County Court Clerk, who shall receive and safely keep the same, and for a failure to hold said election, or cause the same to be done, said sheriff shall forfeit and pay the sum of fifty dollars, to be recovered by action of debt, before any Justice of the Peace for DeKalb county, in the name of the Mayor and Aldermen, for the use of said corporation of Alexandria. Election of officers.

SEC. 11. *Be it enacted*, That if any vacancy shall occur in any of the offices mentioned in this act, the same shall be filled, as provided for in the tenth section of this act, which said election for the purpose of filling any vacancy as aforesaid, shall be only to fill such unexpired term of the officer having died, removed, or resigned. Vacancies.

SEC. 12. *Be it enacted*, That the boundaries of said corporation, shall be as follows, viz: Beginning at the south west corner of Leander Scott's lot, and running north to Hickman's Creek, thence East with the meanders of said Creek, to the North West corner of Thomas Allison's lot, thence South to the West end of Gin-alley, thence East with said alley to the North East corner of lot No. 13, thence East to the East corner of McDonald's lot, thence South to the North East corner of B. B. Findlay's lot, including Elijah Dobb's lot, thence West to Jacob Fite's line, thence North with said line to the beginning, including the Methodist Church and School house. Boundaries.

SEC. 13. *Be it enacted*, That all persons that hold real estate in the corporation limits of said town of Alexandria, shall be entitled to vote for the officers mentioned in this act. *Provided*, Said persons be constitutional and legal voters otherwise. Who entitled to vote.

SEC. 14. *Be it enacted*, That the corporation of Alexandria, by its Mayor and Aldermen, have power and authority to pass any laws for the government and discipline of said corporation of any kind whatsoever, so Powers of Corporation.

that the same do not come in conflict with the constitution and laws of this State. This act to take effect from and after its passage.

SEC. 15. *Be it enacted*, That the corporation aforesaid shall have and authority to enact such laws and ordinances as may be proper and necessary to preserve the health of the citizens of said town; to prevent all nuisances; to establish night watches and patrols; to ascertain, when necessary, the boundaries and location of lots, streets, and alleys; with the consent of the proprietors of the lots and houses adjoining such streets, lands and alleys; to provide for licensing and regulating auctions; to restrain and prohibit gaming; to provide for licensing, taxing, regulating or restraining theatrical or other public amusements and shows, within the limits of said corporation; to pave and keep in repair the streets; to pass all necessary laws for the establishment of necessary inspection within the said town; to erect and regulate markets; to provide for the establishment and regulating fire company or companies, and the sweeping of chimneys; to procure water by the digging of wells, or otherwise; to erect and regulate pumps for the use of said town; to impose and appropriate fines, penalties and forfeitures for a breach of the by-laws and ordinances; to lay and collect taxes for the purpose of carrying all necessary measures into operation for the benefit and advancement of the best interests of said town; to pass all laws and ordinances for the comfort, cleanliness, and good government of said town, which may be necessary for the purpose of carrying into effect, the provisions, intent and meaning of this act. *Provided*, The same are not inconsistent with the constitution of this State or of the United States.

Former laws repealed. SEC. 16. *Be it enacted*, That all laws, or parts of laws, heretofore passed, incorporating the town of Alexandria, in the county of DeKalb, be and the same are hereby repealed.

Limits of Dandridge extended. SEC. 17. *Be it enacted*, That the corporate limits of the town of Dandridge, in the county of Jefferson, be extended for one quarter of a mile only, in every direction from the court-house in said town.

Planters' Bank may reduce No. of branch directors. SEC. 18. The Planters' Bank of Tennessee may reduce the number of branch directors to seven, of whom three shall constitute a quorum.

F. BUCHANAN,
Speaker of the House of Representatives.
 J. M. ANDERSON,
Speaker of the Senate.

Passed, January 31, 1848.

CHAPTER CXII.

An Act to secure the privileges of Meeting houses and School houses in certain cases.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That when there has heretofore been or hereafter may be, a deed of conveyance made of any lands and tenements, to certain Trustees, for the use of a meeting house for public worship, or a school house, and any of said Trustees shall move, die or refuse to act, it shall and may be lawful for the County Court of the county in which said land is situated, at any quarterly term of said Court, on petition of those interested therein, to fill such vacancy, by appointment or election, as may be necessary. County Court may fill vacancy

SEC. 2. *Be it enacted*, That before such court shall be authorized to fill such vacancy, the deed of conveyance, or a certified copy thereof, shall be produced to the court, and proof made to the satisfaction of the court, of the death, removal, or refusal to act, of the Trustees whose places are proposed to be filled.

SEC. 3. *Be it enacted*, That in filling such vacancy the court shall not be bound by county lines, but may appoint some in another county if they shall deem it necessary, to the interest of those concerned. May appoint from other counties.

SEC. 4. *Be it enacted*, That when a deed of conveyance may be for a free meeting house, and a particular Trustee appointed therein, for the benefit of each of the religious societies in that vicinity, that then and in that case it shall be the duty of such court appointing their successors, to have due regard to the interest and wishes of each denomination, so that each may have one Trustee if practicable. Trustees to be of different denominations.

SEC. 5. *Be it enacted*, That a copy of the order of court, filling such vacancy, duly registered in the Register's office of the county in which the land is situated, shall give to the Trustees named therein as successors, all the powers, privileges, and emoluments, which the original Trustees possessed, and subject therein to all the liabilities of such original Trustees.

F. BUCHANAN,

Speaker of the House of Representatives.

J. M. ANDERSON,

Speaker of the Senate.

Passed, January 28, 1848.

CHAPTER CXIII.

An Act to compel the county court clerks, in every county in this State, to spread on the record of the county courts, all constables bonds, as they do sheriffs bonds.

Be it enacted by the General Assembly of the State of Tennessee, That from and after the passage of this act, it shall be the duty of the county court clerks in this State, to spread on the records of the county courts of their respective counties, all constable's bonds, under the same rules and regulations, and with the same fees as are now prescribed by law in relation to the recording of sheriff's bonds.

F. BUCHANAN,

Speaker of the House of Representatives.

J. M. ANDERSON,

Speaker of the Senate.

Passed, January 28, 1848.

CHAPTER CXIV.

An Act to abolish the office of Internal Improvement Commissioner.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That from and after the passage of this act, the duties assigned by the act of 1846, chap. 23, to the Secretary of State, shall be performed by the Cashier of the Bank of Tennessee.

SEC. 2. *Be it enacted,* That the seventh section of the act of 1846, chap. 23, be repealed.

F. BUCHANAN,

Speaker of the House of Representatives.

J. M. ANDERSON,

Speaker of the Senate.

Passed, January 25, 1848.

CHAPTER CXV.

An Act prohibiting the appointment of executors or administrators, as the guardians of minors in certain cases.

Be it enacted by the General Assembly of the State of Tennessee, That hereafter it shall not be lawful for any county court in this State to appoint any executor or executrix, administrator or administratrix, guardian to the minor heirs of his or her testator or intestate, as the case may be, until after such executor, executrix, administrator or administratrix, shall have first settled his, her, or their accounts, as such executor, executrix, administrator, or administratrix, any law, usage or custom to the contrary notwithstanding.

F. BUCHANAN,

Speaker of the House of Representatives.

J. M. ANDERSON,

Speaker of the Senate.

Passed, January 28, 1848.

CHAPTER CXVI.

An Act to provide for the substitution of papers in cases of the loss or destruction of Records.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That where the process, proceedings, decrees, orders, exhibits, depositions and other evidence in any suit at law or equity, or before Justices of the Peace, or any portion of them are lost, destroyed or mislaid, such loss may be supplied by making up others in their stead. The court or tribunal before whom such cause is pending may require the affidavit of the parties, their agent or attorney, or the Clerk of the Court or other person, setting forth facts in reference to the loss of the papers, the search for them and the contents of the same. And upon the court being satisfied that a substantial copy of the proceedings is presented, the same may be substituted for the papers which have been lost, destroyed or mislaid, and the cause shall stand for trial on the substituted, as it would have stood upon the original papers. Lost papers—
how provided
for.

SEC. 2. The Court or Magistrate may, in their discre-

Lost deposition, award depositions to be re-taken when the witnesses are alive.

Sec. 3. The provisions of this act shall extend to all cases now pending in which the papers are destroyed, lost or mislaid, so that they cannot be procured, as well as to cases that may hereafter arise.

F. BUCHANAN,

Speaker of the House of Representatives.

J. M. ANDERSON,

Speaker of the Senate.

Passed, January 31, 1848.

CHAPTER CXVII.

An Act to amend the act of 1835, ch. 27, sec. 1, in relation to Treasurer's giving bond.

Be it enacted by the General Assembly of the State of Tennessee, That the said above recited act, be so amended, that the Treasurer elect and securities, may acknowledge the execution of the bond, now required by law, before any one of the Circuit Judges, or Chancellors of the State of Tennessee, which Judge or Chancellor may also administer the oath, now required, to said Treasurer, in the same manner as the same is now done by Judges of the Supreme Court; and it shall be the duty of said Judge or Chancellor to endorse upon the bond in the same manner as is now the duty of Judges of the Supreme Court, which bond and certificate shall be deposited as now required by law.

F. BUCHANAN,

Speaker of the House of Representatives.

J. M. ANDERSON,

Speaker of the Senate.

Passed, January 28, 1848.

CHAPTER CXVIII.

An Act to incorporate the Mobile and Ohio Rail Road Company, and the Tennessee General Rail Road Company.

Whereas, it appears to this General Assembly, from the memorial of Jonathan Emanuel, President, and George N. Stewart, Sydney Smith, Moses Warring, Charles LeBaron, and S. Griffiths Fisher, Directors of the Mobile and Ohio Rail Road Association, that a company has been organized at Mobile, in the State of Alabama, for the purpose of constructing a rail road from Mobile to the Tennessee river, and from thence to a suitable point near the mouth of the Ohio river; for which purpose, said board of president and directors have applied to this General Assembly, for the passage of such a law as may be necessary to authorize the construction of said road through the State of Tennessee. *And, whereas*, it is deemed a matter of vital importance to this State, that a direct communication, by rail road, to the Gulf of Mexico be established—Therefore:

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the said Jonathan Emanuel, President, and the said George N. Stewart, Sydney Smith, Moses Warring, Charles LeBaron, and S. Griffiths Fisher, Directors, and their associates, who shall be the stockholders of said company, and their successors, under the name and style of "The Mobile and Ohio Rail Road Company," are hereby declared to be a body corporate and politic under the laws of Tennessee, with succession for five hundred years, and a common seal, with capacity to have, receive and enjoy, to them and their successors, property and estate of whatsoever nature and quality, and the same to alien, transfer and dispose of, so far as may be necessary to carry into effect the main object of this charter, which is hereby declared to be the construction, use and maintenance of a rail road from Mobile, in the State of Alabama, to some point on the Mississippi or Ohio river, near the mouth of the Ohio, passing through the State of Tennessee.

Incorporation
of Mobile and
Ohio Rail-road
Company.

SEC. 2. *Be it enacted*, That said company is hereby declared capable of making all contracts; to sue and be sued; to make by-laws; to appoint officers, servants and agents; and finally to do all things which may be necessary to carry on the business and object for which said corporation is created. The said company is invested with all the powers necessary for the construction, repair, use and maintenance of the said rail road, with as many tracks, depots, turnouts, side-tracks, landings,

Powers of
corporation.

ware-houses, work-shops and appurtenances as they may find necessary; and is authorized to make all works whatever, which may be necessary or expedient for the proper completion, use and utility of said road; and to use the same for profit, and make dividends among the stockholders; to procure, by purchase, gift or release, or otherwise, such lands and other property, as may be necessary for the site of said rail road, or its construction and convenient use, or for the erection and use of depots, ware-houses, landings, bridges, or other works connected therewith; and to construct as many lateral roads, with appurtenances connected with said main stem as they may deem proper, not extending more than fifty miles from the main road.

SEC. 3. *Be it enacted,* That said company shall be authorized and required to open books for the subscription of shares in the capital stock of said corporation, in the State of Tennessee, so as to afford to the citizens of this State an opportunity to take stock, to the amount of one-fourth of the capital of said company. *Provided,* That if said fourth be not subscribed in Tennessee, within six months after the books are opened, then it may be taken elsewhere.

SEC. 4. *Be it enacted,* That the right of way is hereby granted to said corporation, to pass through the State of Tennessee with said road; and to use all lands, rock, timber, earth, sand, gravel, water or other materials which may be found on the route selected, and which may belong to the State of Tennessee, and be necessary for the use of the road; and also to appropriate and use all such land and materials, being private property, as may be necessary, making just compensation for all private property used, by contract with the parties, or by arbitration with them; and when the parties cannot agree upon the compensation to be made by the company, for the use of the road, depots, &c., then the value shall be ascertained by legal proceedings as herein after prescribed.

SEC. 5. *Be it enacted,* That where any lands or right of way may be required by said company for the purpose of constructing their road, and for want of agreement, as to the value thereof, or from any other cause, the same cannot be purchased from the owner or owners, the same may be taken at a valuation, to be made by five commissioners, or a majority of them, to be appointed by the Circuit Court of the county where some part of the land or right of way is situated; and the said commissioners, before they act, shall severally take an oath, before some justice of the peace, faithfully and impartially to dis-

May open
books in Ten-
nessee.

Right of way.

Damages—
how assessed
and collected.

charge the duty assigned them. In making the said valuation, the commissioners shall take into consideration the loss or damage which may occur to the owner or owners, in consequence of the land being taken, or the right of way surrendered, and also the benefit and advantage he, she or they may receive from the erection or establishment of the rail road or works, and shall state particularly the nature and amount of each; and the excess of loss and damage, over and above the benefit and advantage, shall form the measure of valuation of said land or right of way. The proceedings of said commissioners, accompanied with a full description of said land or right of way, shall be returned under the hands and seals of a majority of the commissioners, to the court from which the commission issued, there to remain of record. In case either party to the proceedings shall appeal from the valuation to the next session of the court granting the commission, and give reasonable notice to the opposite party of such appeal, the court shall order a new valuation to be made by a jury, who shall be charged therewith in the same term, or as soon as practicable, and their verdict shall be final and conclusive between the parties, unless a new trial shall be granted; and the lands or right of way so valued, by the commissioners or jury, shall vest in said company in fee simple, so soon as the valuation is paid, or tendered and refused. Where there may be an appeal, as aforesaid, from the valuation of commissioners, by either of the parties, the same shall not prevent the works, intended to be constructed, from proceeding; but where the appeal is by the company requiring the surrender, they shall be at liberty to proceed in their works, only on condition of giving the opposite party a bond, with good security, to be approved by the clerk of the court, where the valuation is returned, in a penalty equal to double the said valuation, conditioned for the payment of said valuation and interest, in case the same be sustained, and in case it be reversed, for the payment of the valuation thereafter to be made by the jury, and confirmed by the court. *Provided*, That when the land cannot be had by gift or purchase, the construction of the work shall not be hindered or delayed during the pendency of any proceeding, to assess its value as aforesaid; nor shall any injunction or *superseas* be awarded by any judge or court to delay the progress of said work.

SEC. 6. *Be it enacted*, That in the absence of any contract with the said company in relation to lands through which the said road may pass, signed by the owner thereof, or by his agent, or any claimant or person in

In the absence
of contract—
right of way
presumed.

possession thereof, which may be confirmed by the owner, it shall be presumed that the land upon which said road may be constructed, together with a space of one hundred feet on each side of the centre of said road, has been granted to the company by the owner thereof, and said company shall have good right and title thereto, and shall have, hold and enjoy the same as long as the same be used only for the purposes of the road, and no longer, unless the person or persons owning said land at the time that part of the road, which may be on said land, was finished, or those claiming under him, her or them, shall apply for an assessment of the value of the said lands, as herein before directed, within five years next after that part of said road was finished; and in case the said owner or owners, or those claiming under him, her or them, shall not apply for such assessment within five years next after the said part was finished, he, she or they shall be forever barred from recovering of the said land, or having any assessment or compensation therefor. *Provided*, Nothing herein contained shall affect the right of *femes covert* or infants, until two years after the removal of their respective disabilities.

SEC. 7. *Be it enacted*, That if any person shall will-
Penalty for fully or maliciously destroy, or in any manner hurt,
injurin damage or obstruct the said rail road, or any bridge, or
g or ob- any vehicle, used for or in the transportation thereon,
structing. such person or persons, so offending, shall be liable to be indicted therefor, and on conviction, shall be imprisoned not more than six nor less than one month, and pay a fine not less than twenty dollars, and shall be further liable to pay all the expenses of repairing the same. And it shall not be competent for any person so offending against the provisions of this section, to defend himself by pleading, that he was the owner, or agent, or servant of the owner of the land where such destruction, hurt, damage, injury or obstruction was done, or caused, at the time the same was caused or done.

SEC. 8. *Be it enacted*, That every obstruction to the
Obstructions safe and free passage of vehicles on the said road, shall
indictable. be deemed a public nuisance, and may be abated as such by any officer, agent or servant of the company, and the person causing such obstruction, may be indicted and punished for erecting a public nuisance.

SEC. 9. *Be it enacted*, That the said company is hereby expressly prohibited from carrying on any banking
Company not operations; but may effect insurance on lives and prop-
erty transported on said road.
to bank, but
may insure.

SEC. 10. *Be it enacted*, That the president and directors, clerks, agents and officers of said company shall be

exempt from military duty, except in cases of invasion or insurrection, and serving on juries; and the servants of said company shall be exempt from working on public roads. Officers and Agents exempt —what from.

SEC. 11. *Be it enacted*, That the capital stock of said company shall be for ever exempt from taxation, and the road, with all its fixtures and appurtenances, including work-shops, ware-houses, and vehicles of transportation, shall be exempt from taxation for the period of twenty-five years from the completion of the road, and no tax shall ever be laid on said road or its fixtures, which will reduce the dividends below eight percent. Stock and road exempt from taxation.

SEC. 12. *Be it enacted*, That the rail road authorized by this act, shall be commenced within four years after the passage of this act, and shall be finished within ten years thereafter, otherwise the charter hereby granted shall be void. When to be commenced & completed.

SEC. 13. *Be it enacted*, That the formation of a company is hereby authorized, whose duty it shall be, when organized, to cause a survey and location of a Central Rail Road to be made, commencing at the town of Fulton, on the first Chickasaw Bluff on the Mississippi river, the most favorable point indicated for the commencement of said Central Rail Road in the report of A. M. Lea, chief Engineer of the State, made 30th October, 1837, adopting the route laid down in said report, about forty miles, to Nixon's creek, in Haywood county; thence to pursue an eastern course, as near the central line of the State as the most favorable ground and other circumstances shall require. Said company, when formed, shall be a body corporate, by the name and style of "The Tennessee Central Rail Road Company;" and by said corporate name, shall be capable, in law, to buy, receive by gift, hold, sell and convey real and personal estate, as hereinafter provided; make contracts, sue and be sued; to make by-laws for the government of said company, and to do all acts, not unlawful properly incident to a corporation, and necessary and proper to the transaction of the business for which it is incorporated; and to have and use a common seal, and the same to alter and destroy at pleasure, and shall have succession of members for five hundred years. Tennessee Central Rail road Company incorporated.

SEC. 14. *Be it enacted*, That Books for subscription of forty thousand shares of the capital stock of said company, one hundred dollars each, shall be opened on the first Monday in April, 1848, and shall be kept open for ten days, Sunday not included, between the hours of 10 o'clock in the morning, and 4 o'clock in the evening, on each of those days at the following places and by the Commissioners to open books.

Commissioners following commissioners, viz: at McMinnville by L. D. Mercer, George R. Smart, Thomas F. Hicks, George Savage and William White; at Manchester by William P. Hickerson, Daniel McLane, W. K. Wilson, H. S. Emmerson and Robert E. Lassiter; at Woodbury by Wm. D. Gowan, C. T. New, A. Burger, John H. Wood, and Lewis Jetton; at Shelbyville, by John Eakin, John T. Neil, E. J. Frierson, T. M. Caldwell and Robert Mathews; at Murfreesboro, by John Lieper, L. H. Carney, James C. Moon, Wm. F. Lytle and S. Christy; at Nashville, by Daniel B. Turner, Jacob McGavock, A. V. S. Lindsley, Alfred Balch and M. H. Howard; at Franklin, by Robert C. Foster, Abram P. Maury, E. R. Thompson, James S. Figures and R. H. W. Bostick; at Winchester, by James Harris, Benjamin Deckard, Wm. W. Brazleton, F. A. Loughmiller and J. T. Slatter; at Fayetteville, by William Bonner, John Clarke, James Fulton, Thomas A. Owen and Robert Farquharson; at Pulaski, by Thomas Martin, James Patterson, Andrew M. Ballentine, Jacob Voorhies, and Charles C. Abernathy; at Lewisburg, by S. S. Holder, C. W. Black, Wilson P. Davis, G. Hughes and James V. Ewing; at Columbia, by S. D. Frierson, George Martin, John B. Grove, William Dale and Thomas Kelly; at Lawrenceburg, by Wm. McKnight, Daniel Bentley, Wm. R. Horne, Solon E. Rose, and Richard H. Allen; at Centerville, by A. M. Williams, Horatio Claggett, William Bird, James D. Easley, and David B. Warrin; at Charlotte, by J. Hardin, Robert McNeely, J. Ward, J. Corbin, and J. C. Collier; at Waverley, by F. P. Saunders, Henry H. Marable, John Little, B. B. Spicer and Robert Nelson; at Camden, by S. C. Pavatt, E. Perkins, D. P. Hudson, James Wyly and Pleasant Mullinan; at Huntingdon, by John Norman, Young W. Allen, Citizen S. Woods, Isaac R. Hawkins and A. M. Caldwell; at Decaturville, by Jonathan Sutton, Samuel B. Lanier, Henry Wright, Wm. J. Menzies, and Corry Pettigrew; at Lexington, by Richard Timberleek, John Harman, William Brooks, James W. Glass, and C. H. Williams; at Jackson, by Noble Harris, Martin R. Cartmell, Samuel Lancaster, A. J. Rawlings, and Robert J. Chester, and John W. Campbell; at Trenton, by John A. Taliaferro, A. A. P. Grigsby, A. S. Claiborne, William Atchison, sen'r. and John C. Gillespie; at Brownsville, by Howel Taylor, William Sangster, William H. Loving, William Proudfit and Thomas Bond; at Ripley, by Isaac M. Steele, Reason S. Byrn, John C. Claiborne, Joseph Wardlaw and G. L. Rutherford; at Fulton, by J. M.

Alexander, Norman T. Cherry, Joseph Hardy, James P. Anderson and G. M. Sharp.

SEC. 15. *Be it enacted*, That the said commissioners, or a majority of them, at each of the places aforesaid, shall receive subscriptions for stock in said Rail Road Company during the time said books are directed to be kept open, and on each share, so subscribed, shall demand and receive the sum of one dollar, without which the subscription shall be void. Commissioners may receive subscriptions.

SEC. 16. *Be it enacted*, That as soon as the time for receiving subscriptions, as aforesaid, shall have expired, the said commissioners shall respectively deposit all the money so received by them in some incorporated Bank of the State, redeeming its notes in specie, to the credit of the Tennessee Central Rail Road Company, and subject to the order of the President of the Board of Commissioners hereinafter appointed, and shall also forward a correct list of all the subscribers to the said stock, with the number of shares each subscriber has taken, to a board of commissioners to be composed of the following persons: Christopher H. Williams, of Henderson county; Citizen S. Woods, of Carroll county; Luke P. Seay, Hiram Porter and William W. Lea of Gibson county; James Caruthers, A. W. O. Totten, Henry W. McCorry, Micajah Bullock, and Sagars McLemore, of Madison county; Wm. H. Loving, Howell S. Read, A. J. Barber and Harrod J. Anderson, of Haywood county; James Oldham and Norman T. Cherry of Lauderdale county, who may establish rules to govern their proceedings, choose their own President and appoint such other officers and agents as they may think proper, and prescribe their duties, and who or a majority of whom shall meet at Jackson on the fourth Monday in April, 1848, ascertain the whole number of shares taken in said company and the amount of donations made to the same, in land or other property, and publish them in such newspapers as they may deem proper, on or before the second Monday in May next; and if the number of two thousand shares shall have been subscribed, on each of which there shall have been paid the sum of one dollar, the Tennessee Central Rail Road Company shall be regarded as formed, and thenceforth and from the day of closing the books of subscription as aforesaid, the said subscribers to the stock shall form a body politic and corporate, in deed and in law, by the name and for the purposes aforesaid, and in all things to be represented by the board of commissioners aforesaid, until the election of a board of directors as hereinafter described. Board of Commissioners.

When company regarded as formed.

May receive
further sub-
scriptions.

SEC. 17. *Be it enacted,* That if on closing the books aforesaid, the number of two thousand shares shall not have been subscribed, then and in that case the said board of commissioners, by themselves or their agents, may receive subscriptions, till the number of two thousand shares be taken, and whenever that number of shares or more shall be subscribed, the company shall be considered as formed, as having a corporate existence as aforesaid, and of which notice shall be given as hereinafter directed, and may proceed to survey the route of the road, and to make an estimate of the cost of its construction; Nevertheless, no conclusive and binding location of the road shall be made by the commissioners, further than is designated in this charter, but the same shall be left to the determination of the first board of directors chosen by the stockholders—and the said board of commissioners may by themselves or their agents, at such times and places as they may think proper, and upon such terms and manner of payment as they may deem expedient, receive additional subscriptions, until the number of ten thousand shares shall have been subscribed; upon which the company may be formed, and the subscribers shall thenceforth form a body corporate as aforesaid; *Provided,* the same shall be done before the first day of January, 1851; and for the residue of the original forty thousand shares, the said corporation, when organized, may in like manner receive subscriptions.

Surplus stock
—how reduced

SEC. 18. *Be it enacted,* That in case more than forty thousand shares shall have been subscribed, on closing the books, when they shall first be opened, the shares shall be reduced to that number, by deducting the surplus shares from the highest subscribers, placing them on an equality of numbers, as far as may be done, and after such reduction, the holders of the remaining shares shall form the company and be interested therein, in proportion to the number of shares, which they may then respectively hold.

Money to be
refunded—when

SEC. 19. *Be it enacted,* That if on closing the books on the first day of January, 1851, the number of ten thousand shares shall not have been subscribed, the money paid by each subscriber shall be returned to him by said board of commissioners, after defraying the expense of opening the books and making a survey and map of the route, and estimate of the cost of the road, which the said commissioners are hereby authorized to have made as soon as practicable.

SEC. 20. *Be it enacted,* That the affairs of said company shall be managed by a board of directors, to con-

sist of twelve, who shall be chosen by the stockholders from their own body, and a President of the company shall be elected by the directors from among their own number, in such manner as the regulations of the corporation shall prescribe.

President and
Directors elected.

SEC. 21. *Be it enacted*, That as soon as the number of ten thousand shares shall have been subscribed, it shall be the duty of the commissioners appointed to declare the same, to appoint a time for the stockholders to meet in Jackson, and give notice thereof, by publication in such papers as they may think proper, at which time and place, the said stockholders, in person or by proxy, shall proceed to elect the directors of the company, who shall enact all such regulations, rules, and by-laws as may be necessary for the government of the corporation and the transaction of its business, and repeal, alter or amend the same from time to time. The persons elected directors at this meeting shall serve for such period, not exceeding one year, as the stockholders may direct; and at this meeting, the stockholders shall fix on the day and place or places where the subsequent elections of directors shall be held; and such elections shall thereafter be annually made. But if the day of annual election should pass, without any election of directors, the corporation shall not be thereby dissolved, but it shall be lawful, on any other day, to hold and make such elections, in such manner as may be prescribed by a by-law of the corporation.

Powers of
Board.

SEC. 22. *Be it enacted*, That the board of directors may fill up all vacancies which may occur in it during the period for which their board shall have been elected; and in the absence of the President, may fill his place by electing a President *pro tempore*.

Vacancies—
how filled.

SEC. 23. *Be it enacted*, That all contracts and agreements authenticated by the President of the board, shall be binding on the company without seal, or such other mode of authentication may be used as the company by their by-laws may adopt.

Contracts authenticated by
President binding.

SEC. 24. *Be it enacted*, That the board of directors shall not exceed, in their contracts, the amount of the capital of the corporation and of the funds which the company may have borrowed and placed at the disposal of the board, and in case they should do so, the president and directors, who may be present at the meeting at which the contract or contracts, so exceeding the amount aforesaid, shall be made, shall be jointly and severally liable for the excess, both to the contractor or contractors, and to the corporation; *Provided*, that any one may discharge himself from such liability, by voting

Contracts not
to exceed capital and funds.

against such contract or contracts, and causing such vote to be recorded on the minutes of the board; and giving notice thereof to the next general meeting of the stockholders.

Rates of transportation and storage. SEC. 25. *Be it enacted*, That the said company shall have the exclusive right of transportation or conveyance of persons, goods, merchandize and produce over the said rail road, by them to be constructed; *Provided*, that the charge for transportation or conveyance shall not exceed thirty-five cents per one hundred pounds on heavy articles, and ten cents per cubic foot on articles of measurement, for every hundred miles, and five cents per mile for every passenger; *and provided also*, that the said company may, when they see fit, farm out their rights of transportation on said road, subject to the rates above mentioned; and said company may also receive a reasonable compensation for storing and forwarding produce or other merchandize, placed in their care at any of their depots or warehouses; *Provided*, that when any produce shall be delivered at any of the depots, for immediate transportation, without storing, no charge shall then be made for storage.

Instalments—how paid. SEC. 26. *Be it enacted*, That the board of directors may call for the payment of ninety-nine dollars on each share of stock, in addition to one dollar paid at the time of subscribing, in sums not exceeding five dollars in every sixty days; *Provided*, that not more than twenty-five dollars, on each share be called for in any one year, and that notice be given in at least one newspaper in the State where any of the stockholders may reside, at least thirty days before the sum, thus called, may become due; and a failure to pay or secure to be paid, according to the rules of the company, any of the instalments, so called as aforesaid, shall induce a forfeiture of the share or shares on which default shall be so made, and all payments thereon, and the same shall vest in and belong to the company, and may be restored to the owner or owners, by the board of directors, if they deem it proper, on the payment of all arrears, on such shares, and legal interest thereon; or the directors may waive the forfeiture, after thirty days default, and sue the stockholders for the instalments due at their discretion.

Transfers of stock. SEC. 27. *Be it enacted*, That the stock of said company may be transferred, in such manner and form as may be directed by the by-laws of said corporation, and the secretary of the board of directors shall keep a record of all such transfers.

SEC. 28. *Be it enacted*, That the said company may at any time, increase its capital to a sum sufficient to

complete said road, stock it with every thing necessary to give it full operation and effect, either by opening books for new stock or by selling such new stock, or by borrowing money on the credit of the company, and on the mortgage of its charter, works, and other property; for which purpose the board of directors of said company may cause bonds to be issued bearing interest not exceeding eight per cent, signed by the president and secretary of said board, payable at such time as they may think best, not exceeding thirty years; said bonds constituting a lien upon the road and other property of said company, except its real estate, until paid, and the manner in which the new stock shall be disposed of or the bonds of the company be issued, shall be prescribed by the stockholders, at a general meeting; and any State, or any citizen, corporation or company of this or any other State or country may subscribe for and hold stock in said company, with all the rights and subject to all the liabilities of any other stockholder. Capital may be increased.

SEC. 29. *Be it enacted*, That the board of directors shall once in every year, at least, make a full report on the state of the company and its affairs, to a general meeting of the stockholders; and oftener if directed by the rules and by-laws of said company, and shall have power to call a general meeting of the stockholders whenever the board may deem it expedient. Board to report annually.

SEC. 30. *Be it enacted*, That no person but a citizen of the United States, and being a *bona fide* stockholder in his own right of at least ten shares of the stock of said company, which he shall have held at least three months previous to his election, shall be president or director of the company; nor shall any stockholder vote, in person or by proxy, at any general or other election (except the first,) who shall not have held in his own right, the shares on which he offers to vote, at least three months previous to such election. Who entitled to vote.

SEC. 31. *Be it enacted*, That stockholders may vote, in person or by proxy, the form of which shall be prescribed by the board of directors, and in the election of directors or in voting on any question that may come before a meeting of the stockholders, or which may be submitted to the decision of the stockholders in any other manner, the vote shall be taken according to the following scale: The owner of one or two shares shall have one vote, the owner of three or four shares shall have two votes, the owner of five shares shall have three votes, the owner of six, seven or eight shares shall have four votes, the owner of nine, ten or eleven shares shall have five votes, the owner of not less than twelve nor more Scale of votes.

than sixteen shares shall have six votes, the owner of not less than seventeen nor more than twenty shares shall have seven votes, for every five shares over twenty and not exceeding one hundred, the owner shall have one vote, for every ten shares over one hundred, the owner shall have one vote; *Provided*, that no individual, corporation or company shall have more than two hundred votes.

SEC. 32. *Be it enacted*, That the said company may purchase, have and hold, in fee or for a term of years, any lands, tenements or hereditaments, which may be necessary for said road or the appurtenances thereof, or for the erection of depositories, storehouses, houses for the officers, servants or agents of the company, or for workshops or foundries to be used for the said company, or for procuring timber, stone or other materials necessary for the construction of the road or its appurtenances, or for effecting transportation thereon. The said company shall be authorized to lay out their said road of such width as they may deem expedient, not exceeding in width, through the whole extent of the line, two hundred feet, except where a greater width may be necessary, in order to obtain earth, gravel, stone and other materials for the construction and preservation of said road, or for the erection of warehouses, workshops, &c., and it shall and may be lawful for said company to receive donations of land, on and near the route of said road, and to hold or sell the same as may be deemed best by the directors of the company, and from time to time to appropriate and expend such portion or portions of the capital stock of said company, not exceeding, at any one time, one fourth of the amount actually paid in, and not exceeding, in the aggregate, the sum of one million of dollars, in the purchase of property, other than such as may be necessary for the construction and preservation of said road, for the general purpose of settling and improving waste lands in this State, and for the establishment and carrying on of manufactories of iron, wool, cotton and other articles, and for the purpose of mining for coal, iron, lead, &c., and it shall not appropriate any portion of its capital to mining or manufacturing purposes, until the western section of said road, between the Mississippi and Tennessee rivers, shall have been completed and put in operation; and *provided*, that not more than five hundred thousand dollars shall be expended in the purchase of land. The president and directors of said company shall have authority to appoint one or more agencies or board of trustees, to consist of such number of persons as they may deem expedient, whose duty it shall be to direct and manage the business of the com-

Description of
road.

Board may ap-
point Agents or
Trustees.

pany, other than that which may be immediately connected with the operations of the main rail road of said company; and said agents or trustees shall make semi-annual reports to the said directors, of the business of the company, intrusted to them respectively, or as often as said president and directors may require; and said agents or trustees shall hold their places under such regulations as said company may prescribe.

SEC. 33. *Be it enacted*, That the said company shall have the right, when necessary, to construct said road, or any branch thereof, across or along any public road or water course; *provided*, that said road, and the navigation of said water course, shall not be obstructed; *and provided further*, that such rail road shall not be located so near any turnpike road as to injure or prejudice the interests of the stockholders in said turnpike road, except upon such terms as may be agreed upon by the president and directors of the same, on behalf of the stockholders; *provided also*, that nothing herein contained shall be construed to prevent the construction of a bridge across the Tennessee or either branch of the Forked Deer river or Duck river. Right to cross roads & rivers.

SEC. 34. *Be it enacted*, That the said company may purchase, have and hold any bridge or turnpike road, over which it may be necessary to carry the said rail road, and when such purchase shall be made, to hold the said bridge or turnpike road on the same terms, and with all rights which belong to the individual, individuals or corporation, from which purchase may be made; *Provided*, that the said company shall not obstruct any public road, without constructing another as convenient as may be. Mdy purchase bridge or turnpike road.

SEC. 35. *Be it enacted*, That where any lands or right of way may be required, by the said company, for the purpose of constructing their road, and for want of agreement as to the value thereof, or from other cause the same cannot be purchased from the owner or owners, the same may be taken at a valuation to be made by five commissioners, or a majority of them, to be appointed by the Circuit Court of the county where some part of the land or right of way may be situated; and the said commissioners, before they act, shall severally take an oath, before some Justice of the Peace, faithfully and impartially to discharge the duties assigned them. In making the said valuation, the commissioners shall take into consideration the loss or damage, which may occur to the owner or owners, in consequence of the land being taken or the right of way being surren- Damages—how assessed.

Damages—
how assessed

dered, and also the benefit and advantages he, she or they may receive from the erection or establishment of the rail road or works, and shall state particularly the nature and amount of each, and the excess of loss and damage, over and above the benefit and advantage, shall form the measure of valuation of said land or right of way. The proceedings of said commissioners, accompanied by a full description of said land or right of way, shall be returned under the hands and seals of a majority of the commissioners, to the court from which the commission issued, there to remain of record. In case either party to the proceedings shall appeal from the valuation to the next session of the court granting the commission, and give reasonable notice to the opposite party, of such appeal, the court shall order a new valuation to be made by a jury, who shall be charged therewith in the same term, or as soon as practicable, and their verdict shall be final and conclusive between the parties, unless a new trial shall be granted; and the lands or right of way so valued, by the commissioners or jury, shall vest in said company in fee simple, so soon as the valuation shall be paid, or when refused, may be tendered. Where there may be an appeal, as aforesaid, from the valuation of commissioners, by either of the parties, the same shall not prevent the works, intended to be constructed, from proceeding: but where the appeal is by the company requiring the surrender, they shall be at liberty to proceed in their work, only on condition of giving to the opposite party a bond with good security, to be approved by the clerk of the court, where the valuation shall be returned, in a penalty equal to double the said valuation, conditioned for the payment of said valuation and interest, in case the same be sustained; and in case it be reversed, for the payment of the valuation thereafter to be made by the jury, and confirmed by the court. *Provided*, That when the land cannot be had by gift or purchase, the operations of the work shall not be hindered or delayed during the pendency of any proceedings to assess its value as aforesaid; nor shall any injunction or *supersedeas* be awarded by any judge or court to delay the progress of said work.

SEC. 36. *Be it enacted*, That in the absence of any

Where there
is no contract,
title in road
presumed.

contract with said company, in relation to lands through which the said road may pass, signed by the owner thereof, or by his agent or claimant, or person in possession thereof, which may be confirmed by the owner, it shall be presumed that the land upon which the said road may be constructed, together with a space of one hundred

feet on each side of the centre of said road, has been granted to the company by the owner thereof, and the said company shall have good right and title thereto, and shall have, hold and enjoy the same as long as the same shall be used only for the purposes of the road, and no longer; unless the person or persons owning the said land, at the time that part of the road, which may be on said land, shall be finished, or those claiming under him or them shall apply for an assessment for the value of the said lands, as herein before directed, within five years next after the finishing of that part of said road. And in case said owner or owners, or those claiming under him, her or them, shall not apply for such assessment within five years next after the said part shall have been finished, he, she or they shall be forever barred from recovering said land, or having any assessment or compensation therefor. *Provided*, Nothing herein contained shall affect the rights of *femes covert* or of infants, until two years after the removal of their respective disabilities.

Sec. 37. *Be it enacted*, That if any person shall intrude upon the said rail road, or any part thereof, by any manner of use thereof, or of the rights and privileges connected therewith, without the permission, or contrary to the will of said company, he, she or they shall forthwith forfeit to the said company, all the vehicles that may be so intruded on said road; and the same may be recovered by suit at law, and the person or persons so intruding may also be indicted for misdemeanor, and, upon conviction, fined and imprisoned by any tribunal having competent jurisdiction.

Sec. 38. *Be it enacted*, That if any person or persons shall, wilfully and maliciously remove or disturb any of the company's constructions, or place designedly and with evil intent, any obstructions on the line of their rail road, so as to jeopardize the safety, or endanger the lives of persons traveling or employed on the same, such person or persons, so offending, shall be deemed guilty of a high crime and misdemeanor, and if such person or persons, so offending, be free, he, she or they shall, on conviction, be imprisoned in the common jail or penitentiary for a term not less than two nor more than five years; and if such person be a slave or slaves, and any person shall lose his or her life in consequence of such obstruction, he, she or they shall, upon conviction, suffer death by hanging. And if any person or persons shall destroy, or otherwise injure any portion of said rail road, or any buildings, engines, cars, or other property what-

Persons intruding—how punished.

Placing obstructions on road a high crime.

ever, connected therewith, or belonging thereto, tending to obstruct or interrupt the operations of the company, but without endangering the safety of passengers or other, he, she or they shall forfeit and pay to the company three times the amount of the actual damage so sustained, to be sued for and recovered in the name and for the use of the company; and shall moreover be punishable for a misdemeanor.

SEC. 39. *Be it enacted*, That every obstruction to the safe and free passage of vehicles on said road, shall be deemed a public nuisance, and may be abated as such by any officer, agent or servant of the company, and and the person causing such obstruction, may be indicted and punished for erecting a public nuisance.

SEC. 40. *Be it enacted*, That the said company shall have the right to take at the store-houses they may establish or annex to their rail road, all goods, wares, merchandize and produce intended for transportation, prescribe the rules of priority, and charge and receive such just and reasonable compensation for storage as they, by rules, may establish, (which they shall cause to be published,) or as may be fixed by agreement with the owner, which may be distinct from the rates of transportation. *Provided*, That the said company shall not charge or receive storage on goods, wares, merchandize or produce, which may be delivered to them, at their regular depositories, for immediate transportation, and which the company may have the power of transporting immediately.

SEC. 41. *Be it enacted*, That the profits of the company, or so much thereof as the board of directors may deem advisable, shall, when the affairs of the company will permit, be semi-annually divided among the stockholders, in proportion to the stock each may hold; but no dividend shall be paid to a defaulting stockholder, until all arrearages by him due shall be paid.

SEC. 42. *Be it enacted*, That, whenever, in the construction of said road, it shall be necessary to cross or intersect any established road or way, it shall be the duty of the company to construct said road across such established road or way, so as not to impede the passage or transportation of persons or property along the same; or when it shall be necessary to pass through the land of any individual, it shall be their duty to provide, for such individual, a proper wagon way, or ways across said road, from one part of his land to the other.

SEC. 43. *Be it enacted*, That the said company shall possess such additional powers as may be convenient for the due and successful execution of the powers

Rules relating
freightage.

Dividends—
how paid.

To cross roads
without ob-
structing.

Additional
powers.

granted in this charter, and for the successful construction and management of the work, and the powers and privileges expressly granted in this charter.

SEC. 44. *Be it enacted*, That this charter shall be amendable, from time to time, by the legislature, whenever the president and directors shall unanimously petition for amendments, specifying in the petition the nature of such amendments; and when such amendments shall be adopted by the legislature, and submitted to the directory, and be accepted and adopted unanimously by the president and directors, they shall be obligatory upon the stockholders, and not otherwise. Charter—how amended.

SEC. 45. *Be it enacted*, That the president, directors, clerks, agents, officers and servants of said company shall be exempt from military duty, except in cases of invasion or insurrection, and shall also be exempt from serving on juries, and working on public roads. Officers and Agents exempt from military and jury duty.

SEC. 46. *Be it enacted*, That the company shall have full power and authority to purchase and own such number of slaves as may be necessary for the construction of said road, and for keeping the same in repair. May own slaves.

SEC. 47. *Be it enacted*, That if by decree or otherwise the said corporation shall be dissolved, the president and directors of said company are hereby created trustees, with such powers, only, as may be necessary to collect the debts due the company, preserve the property, pay the debts, and distribute the property and effects of the company to those who may be entitled thereto under the charter. In case of dissolution, directors to be trustees.

SEC. 48. *Be it enacted*, That the capital stock of said company shall be forever exempt from taxation, and the road with all its appurtenances, except land and slaves, shall be exempt from taxation for the period of twenty years from the completion of the road and no longer. Exempt from taxation.

SEC. 49. *Be it enacted*, That the rail road authorized by this act shall be commenced within four years after the passage of this act, and the main stem or the branch to Nashville shall be completed to the point of intersection with the Nashville and Chattanooga Rail Road, within eight years thereafter, otherwise the charter hereby granted shall be void. When to be commenced & completed.

SEC. 50. *Be it enacted*, That the Tennessee Central Rail Road Company shall have the same privileges, in reference to connecting with the Nashville and Chattanooga, or other rail roads, and be subject to the same restrictions and limitations as are imposed in the fortieth section of the act granting a charter to the Nashville and Chattanooga Rail Road Company, passed on the 11th December, 1845; and shall in this respect, be on a per-

fect equality with the said Nashville and Chattanooga Rail Road Company.

F. BUCHANAN,

Speaker of the House of Representatives.

J. M. ANDERSON,

Speaker of the Senate.

Passed, January 28, 1846.

CHAPTER CXIX.

An Act to amend an act, entitled "an act to amend the act of 1831, chapter 90, with regard to the probate of deeds," passed January 22, 1846.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the provisions of the above recited act, be so extended as to authorize and require any clerk of any of the courts in this State, who may have, or shall unintentionally omit any words in a certificate of an acknowledgment or probate of any deed or other instrument, required by the laws of this State to be registered, on application of either of the parties interested, to correct such mistake or omission of words in such certificate on any such deed or other instrument of writing.

Clerks may
correct mis-
takes in pro-
bate of deeds or
other instru-
ments.

In privy exami-
nation, on oath

SEC. 2. *Be it enacted,* That if any clerk, of any of the courts in this State, may have, or shall unintentionally omit any words in the certificate of a privy examination, by him taken, of any *feme covert* touching the execution of any deed, or other instrument of writing by her executed, it shall and may be lawful, for said clerk, at any time, on application of either of the parties interested, to correct such error, mistake or omission; said clerk making oath, in open court, to truth of such correction.

Register to re-
cord correction

SEC. 3. *Be it enacted,* That it shall be the duty of the Register of the county, where such omission or mistake may have happened, to register in the books of his office such corrected mistake or omissions.

F. BUCHANAN,

Speaker of the House of Representatives.

J. M. ANDERSON,

Speaker of the Senate.

Passed, February 2, 1848.

CHAPTER CXX.

An Act to incorporate the East Tennessee, and Virginia Railroad Company.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That for the purpose of establishing a Railroad communication between Knoxville and the State of Virginia, through East Tennessee, East of Bay's Mountain, between the Holston and Nolichucky rivers, the formation of a company is hereby authorized, which when formed, shall be a body corporate, by the name and style of the East Tennessee and Virginia Railroad Company, and by said corporate name shall be capable in law to purchase, receive by gift, hold, sell and convey real and personal estate, as hereinafter provided, make contracts, sue and be sued, to make by-laws and perform all legal acts properly incident to a corporation and necessary and proper to transact the business for which it is created, and to have and to use a common seal, and the same to alter and destroy at its pleasure, and shall have perpetual succession of its members. Incorporation.

SEC. 2. Books for subscription of sixty thousand shares of the capital stock of said company, of twenty-five dollars each, shall be opened on the first Monday in April, 1848, and shall be kept open for six days, between the hours of ten o'clock in the morning, and four o'clock in the evening, of each of those days, at the following places, and by the following commissioners, to wit: Books opened
—when and
where.

At Blountville, by Samuel Rhea, Jesse J. James, J. R. Snapp, William R. Dulany and Frederick Storm, James D. Rhea and E. D. Reeder. Commissioners
to open books.

At Elizabethton, by David Nelson, A. M. Carter, John Singleterry, Jacob Cameron, Thomas J. Powell, Joseph Powell, W. W. Rockhold, M. N. Folsom and Isaac P. Tipton.

At Taylorsville, by Green Moore, A. D. Smith, Landon C. Wilson, and Calvin Moore.

At Jonesborough, by John Blair, Seth J. W. Lucky, Samuel B. Cunningham, Daniel Kenney, W. R. Blair, William Sevier, Nathan Gammon, William Gammon, J. P. Chester, William Hunt, Landon C. Hoss, J. A. Wilds, John Ryland, John E. Cosson and William Atkinson.

At Kingsport, by Enoch K. Baughtman, Perry Rogan, R. Patton, W. Lyn, C. W. Hall and James H. Vance.

At Rogersville, by Geo. R. Powell, J. L. Fulkerson, R. G. Fain, Hugh Walker, Stokeley D. Mitchell, J.

Netherland, James K. Neill, J. M. Hord, Hiram Fain, and Dicks Alexander.

At Greenville, by J. Howard, G. Jones, W. M. Lowry, J. P. McDowell, J. W. Harbold, J. A. Brown, J. Malloney, D. G. Vance, M. Lincoln, J. D. Dickson, W. West, A. Williams, S. McGaughy, F. M. Compton, V. Sevier, J. Guinn, D. Sevier, D. T. Patterson, G. W. Foote, G. M. Spencer, and T. T. Gosnell.

At Newport, by W. Robinson, W. Roadman, J. F. Stanberry, A. E. Smith, and John Stewart.

At Russellville, by W. R. Caswell, F. W. Taylor, J. V. Anderson, Thos. M. Anderson, O. Boaz and James Burton.

At New Market, by W. H. Moffitt, J. P. Matthews, A. Blackburn, J. C. Smith, G. C. Hoskins, H. T. Dick, J. S. Goforth, Z. A. Lyle, and William Brazleton.

At Dandridge, by S. W. Inman, T. J. Bradford, J. Fuller, D. Naff, A. Dobbins, G. W. Layman and R. F. Campbell.

At Sevierville, by R. H. Hodsdon, G. McCown, J. Connor, W. C. Rogers, P. Toomey, B. Chandler, and John Trunnel.

At Maryville, by W. Wallace, J. H. Gillespie, S. Pride, B. D. Brabson, J. Allison, J. E. Toole, and R. Porter.

At Rutledge, by W. B. Cunningham, A. G. Sullenbarger, T. W. Turley, B. McFarland, sr., and John T. Curl.

At Jacksborough, by F. H. Bratcher, J. Hart, R. D. Wheeler, and J. Kincaid.

At Clinton, by J. Whitson, W. Cross, J. Ross, S. C. Young, L. Miller, and W. Tunnel.

At Knoxville, by C. Wallace, E. S. Temple, P. Dickson, T. C. Lyon, S. B. Boyd, J. Newman, D. Lyons, C. H. Coffin, J. A. Deery, W. B. Deery, D. H. Cummings, A. G. Jackson, W. Brown, H. Maynard, J. E. S. Blackwell, and F. S. Heiskell.

SEC. 3. The said commissioners, or a majority of them, at each of the places aforementioned, shall receive subscriptions for stock, in the said Railroad Company, during the time the said books are directed to be kept open, and on each share so subscribed, shall demand and receive the sum of fifty cents, without which, the subscription shall be void.

SEC. 4. As soon as the time of receiving subscriptions, as aforesaid, shall have expired, the commissioners shall respectively deposit all the money so received by them in some incorporated Bank either at Knoxville or Rogersville, redeeming its notes in specie, to the credit of

To receive subscriptions.

Commissioners to deposit money in bank.

the East Tennessee and Virginia Railroad Company, and subject to the order of the President of the Board of Commissioners hereinafter appointed, and shall also forward a correct list of the subscribers to the said stock, with the number of shares each subscriber has taken, to a board of commissioners to be composed of the following persons: Jesse J. James, Samuel Rhear; William R. Dulany, John Blair, Thomas A. R. Nelson, Seth J. W. Lucky, Samuel B. Cunningham, Nathan Gammon, William Gammon, Alfred E. Jackson, L. C. Hoss, Jacob Howard and William M. Lowry—who may establish rules to govern their proceedings, choose their own president, and appoint such other officers and agents as they may think proper, and who or a majority of whom shall meet at Jonesborough on the 1st Monday in May, 1848, ascertain the whole number of shares taken in the said company, and publish the same in some newspaper printed in Knoxville or Jonesborough, on or before the third Monday of May, 1848; and if the number of five hundred shares shall have been subscribed, on each of which there shall have been paid the sum of fifty cents, the East Tennessee and Virginia Railroad Company shall be considered as formed, and thenceforth and from the day of closing the books of subscription as aforesaid, the said subscribers to the stock shall form a body politic and corporate, in deed and in law, by the name and for the purpose aforesaid, in all things to be represented by the board of commissioners aforesaid, until the election of a board of directors as hereinafter prescribed.

SEC. 5. If on closing the books aforesaid, the number of five hundred shares shall not have been subscribed, When com. pany formed. then the said board of Commissioners, by themselves or their agents, may receive subscriptions until the number of five hundred shares be taken, and whenever that number shall be subscribed, the company shall be regarded as formed, to have a corporate existence as aforesaid, and of which notice shall be given as hereinbefore directed; may proceed to survey the route for the road, and to make an estimate of its cost of construction. Nevertheless, no conclusive and binding location of the road shall be made by the Commissioners, but the same be left to the determination of the first board of directors chosen by the stockholders: *Provided*, That said board of directors shall be required to locate said road between the Holston and Nolichucky rivers, east of Bay's Mountain as heretofore specified. And the said board of Commissioners, may by themselves or their agents, at such times and places as they may think

proper, and upon such terms as to time and manner of payment as they may deem expedient, receive additional subscriptions until the number of ten thousand shares shall have been subscribed, upon which the company may be formed, and the subscribers shall thenceforth form a body politic and corporate as aforesaid: *Provided*, That the same shall be done against the first day of January, 1850. And for the residue of the said original number of sixty thousand shares, the said corporation, when organized, may, in like manner, receive additional subscriptions.

SEC. 6. In case more than sixty thousand shares shall have been subscribed, on closing the books when they are first opened, the shares shall be reduced to that number by deducting the surplus shares from the highest subscribers, placing them on an equality of numbers as far as can be done; and after such reduction, the holders of the remaining shares shall form the company and be interested therein in proportion to the number of shares which they may then respectively hold.

Stock may
be reduced.

SEC. 7. If, on closing the books on the first day of January, 1850, the number of twenty-five thousand shares shall not have been subscribed, the money paid by each subscriber shall be returned to him by the said board of commissioners, after defraying the expenses of opening the books and of making a survey and map of the route and estimate of the cost of the road, which the commissioners are hereby authorized to have made as soon as possible; and the affairs of said company shall be managed by a board of directors to consist of fifteen, who shall be chosen by the stockholders from their own body, and a president of the company shall be elected by the directors from among their own members, in such manner as the regulations of the company may prescribe.

Directors—
how chosen.

SEC. 8. As soon as the number of twenty-five thousand shares shall have been subscribed, it shall be the duty of the commissioners appointed to declare the same, and to appoint a time for the stockholders to meet in Greenville, and give notice thereof in some newspaper of Jonesborough or Knoxville, at which time and place the said stockholders, either in person or by proxy, shall proceed to elect the directors of the company and to enact all such regulations, rules and by-laws, as may be necessary for the government of the corporation and the transaction of its business. The persons elected directors at this meeting shall serve for such period, not exceeding one year, as the stockholders may direct; and at this meeting, the stockholders shall fix on the day and

place or places where the subsequent elections of directors shall be held; and such elections shall thenceforth be annually made; but if the day of annual election should pass without any election of directors, the corporation shall not thereby be dissolved, but it shall be lawful on any other day, to hold and make such elections in such manner as may be prescribed by a by-law of the corporation.

Sec. 9. The board of directors may fill up vacancies which may occur in it during the period for which their board shall have been elected; and in the absence of the president, may fill his place by electing a president *pro tempore*. Vacancies in board.

Sec. 10. All contracts and agreements authenticated by the president of the board shall be binding on the company, without seal; or such other mode of authentication may be used as the company by their by-laws may adopt. Contracts authenticated by president.

Sec. 11. The board of directors shall not exceed in their contracts the amount of the capital of the corporation and of the funds which the company may have borrowed and placed at the disposal of the board; and in case they should do so, the president and directors, who may be present at the meeting at which such contracts so exceeding the amount aforesaid shall be made, shall be jointly and severally liable for the excess both to the contractor or contractors, and the corporation; *Provided*, that any one may discharge himself from such liability by voting against such contracts and causing such vote to be recorded on the minutes of the board, and giving notice thereof to the next general meeting of the stockholders. Contracts not to exceed capital.

Sec. 12. After the route of such rail road shall have been accurately surveyed and adopted, and a plat thereof deposited in the office of the Secretary of State, it shall not be lawful for any other rail road to be built, cut or constructed in any way or manner, or by any authority whatever, running laterally within twenty miles of the route so adopted, unless by said company, or with the consent of the board of directors thereof for the time being. No other rail road to run within 20 miles

Sec. 13. The said company shall have the exclusive right of transportation or conveyance of persons, goods, produce and merchandize over the said rail road by them to be constructed; *Provided*, that the charge of transportation or conveyance shall not exceed thirty-five cents per hundred pounds on heavy articles, and ten cents per cubic foot on articles of measurement for every hundred miles, and five cents a mile for every passenger; *And* Rights & rates of transportation.

provided also, that the said company may, when they see fit, farm out their rights of transportation on said road, subject to the rates above mentioned.

SEC. 14. The board of directors may call for the payment of twenty-four and a half dollars, on each share of stock, in sums not exceeding two dollars, in every forty days. *Provided*, That twenty days notice be given of such call at least in one public newspaper in East Tennessee, and the State in which any of the stockholders may reside; and a failure to pay, or secure to be paid, according to the rules of the company, any of the instalments so called, as aforesaid, shall induce a forfeiture of the shares on which default shall be so made, and all payments thereon, and the same shall vest in and belong to the company, and may be restored to the owners by the board of directors, if they deem proper, on the payment of all arrears on such shares, and legal interest thereon; or the directors may waive the forfeiture after forty days default, and sue the stockholders for the instalments due at their discretion. And the stock of said company may be transferred in such manner and form as may be directed by the by-laws of the said corporation.

SEC. 15. The said company may at any time increase its capital to a sum sufficient to complete the said road, and to stock it with every thing necessary to give it a full operation and effect, either by opening books for new stock, or by selling such new stock, or by borrowing money on the credit of the company, and on the mortgage of its charter and works; and the manner in which the same shall be done in either case shall be prescribed by the stockholders at a general meeting. And any State, or any citizen, corporation or company of this or any other State or country may subscribe for and hold stock in said company, with all the rights, and subject to all the liabilities of any other stockholder.

SEC. 16. The board of directors shall once in every year, at least, make a full report on the state of the company, and its affairs, to a general meeting of the stockholders; and oftener if directed by a by-law, and shall have power to call a general meeting of the stockholders when the board may deem it expedient.

SEC. 17. No person but a citizen of the United States, and being a *bona fide* stockholder in his own right, of at least forty shares, which he shall have held, at least three months previous to his election, (except at the first election,) shall be a president or director of the company; nor shall any stockholder vote in person or by proxy at any general or other election, (except the first,)

who shall not have held in his own right the shares on which he offers to vote, at least, three months previous to such election.

SEC. 18. Stockholders may vote in person or by proxy, and in the election of directors, and in voting on all questions which come before a meeting of the stockholders, or which may be submitted to a decision of the stockholders in any other manner, the vote shall be taken according to the following scale: the owner of one or two shares shall be entitled to one vote; the owner of not less than three and more than four shares, shall be entitled to two votes; the owner of not less than five nor more than six shares, shall be entitled to three votes; the owner of not less than seven nor more eight shares to four votes; the owner of not less than nine nor more than eleven shares, to five votes; the owner of not less than twelve nor more than fifteen shares to six votes; the owner of not less than sixteen nor more than twenty shares to seven votes; the owner of not less than twenty one nor more than twenty-six shares to eight votes; the owner of not less than twenty-seven nor more than thirty-three shares to nine votes; the owner of not less than thirty-four nor more than forty shares to ten votes; and the owner of every ten shares above forty, shall be entitled therefor to one vote; *Provided*, that no individual corporation or company shall be entitled to more than five hundred votes. Scale of votes.

SEC. 19. The said company may purchase, have and hold in fee, or for a term of years, any lands, tenements, or hereditaments which may be necessary for said road or appurtenances thereof, or for the erection of depots, store houses, houses for the officers, servants or agents of the company, or for workshops or foundaries, to be used for the said company, or for procuring timber, stones or other materials, necessary for the construction of the road or its appurtenances, or for effecting transportation thereon. May hold real estate.

SEC. 20. The said company shall have the right, when necessary, to construct the said road, or any branch thereof, across or along any public road or water course; *Provided*, that the said road and the navigation of such water course shall not thereby be obstructed; and *provided further*, that such railroad shall not be located so near any turnpike road as to injure the same or stockholders except upon such conditions as may be agreed upon by the president and directors of the same. May cross other roads.

SEC. 21. The said company may purchase any bridge over which it may be necessary to carry such rail road, and when such purchase is made, to hold the said bridge

May purchase on the same conditions and terms, and with all the rights which belong to the individual or corporation from which such purchase was made; *Provided*, that the said company shall not obstruct any public road without constructing another as convenient as may be.

Sec. 22. Where any lands or right of way may be required by the said company for the purpose of constructing their road, and for want of agreement as to the value thereof, or from any other cause, the same cannot be purchased from the owners, the same may be taken at a valuation to be made by five commissioners or a majority of them, to be appointed by the Circuit Court of the county, where some part of the land or right of way is situated, and the said commissioners, before they act, shall severally take an oath before some Justice of the Peace, faithfully and impartially to discharge the duties assigned them. In making the said valuation, the commissioners shall take into consideration the loss or damage which may occur to the owner or owners in consequence of the land being taken or the right of way surrendered, and also the benefit he, she, or they may receive by the erection of said rail road and works, and shall state particularly the nature and amount of each, and the excess of loss and damage over and above the benefit and advantage shall form the measure of valuation of said land or right of way. The proceedings of the said commissioners, accompanied with a full description of the said land or right of way, shall be returned, under the hands and seals of a majority of the commissioners to the court from which commission issued, there to remain of record. In case either party to the proceeding shall appeal from the valuation to the next session of the court which granted the commission, and give reasonable notice to the opposite party of such appeal, the court shall order a new valuation by a jury, who shall be charged therewith in the same term, or as soon as is practicable, and their verdict shall be final and conclusive between the parties, unless a new trial shall be granted, and the lands or right of way, so valued by the commissioners or jury, shall vest in the said company in fee simple, so soon as the valuation may be paid, or when refused, may be tendered. Where there may be an appeal, as aforesaid, from the valuation of commissioners, by either of the parties, the same shall not prevent the works intended to be constructed from proceeding; but where the appeal is by the company requiring the surrender, they shall be at liberty to proceed in their works only on condition of giving to the opposite party a bond, with good security, to be approved by the

Damages—
how assessed
and recovered.

clerk of the court where the valuation is returned, in a penalty equal to double the said valuation, conditioned for the said valuation and interest, in case the same be sustained; and in case it be reversed, for the payment of the valuation thereafter to be made by the jury and confirmed by the court: *Provided*, that when the land cannot be had by gift or purchase, the operations of the work are not to be hindered or delayed, during the pendency of any proceeding to assess the value as aforesaid; nor shall any injunction or supersedeas be awarded by any judge or court to delay the progress of said work.

Sec. 23. In the absence of any contract with the said company in relation to lands through which the said road may pass, signed by the owner thereof, or his agent, or any claimant or person in possession thereof, which may be confirmed by the owner, it shall be presumed that the land upon which the said road may be constructed, together with a space of one hundred feet on each side of the centre of said road, has been granted to the company by the owner thereof, and the said company shall have good right and title thereto, and shall have, hold and enjoy the same as long as the same be used only for the purposes of said road, and no longer, unless the persons owning the said land at the time that part of the road which may be on said land was finished, or those claiming under him, her or them, shall apply for an assessment for the value of the said land, as herein before directed, within five years next after that part of said road was finished. And in case the said owners or those claiming under them shall not apply for such assessment within five years next after the said part was finished, they shall be forever barred from recovering the said land or having any assessment or compensation therefor; *Provided*, that nothing herein contained shall affect the rights of *femes covert* or infants until two years after the removal of their respective disabilities. And if any person shall intrude upon the said rail road or any part thereof, by any manner of use thereof, or the rights and privileges connected therewith, without the permission or contrary to the will of said company, they shall forthwith forfeit to the said company, all the vehicles that may be so intruded on said road, and the same may be recovered by suit at law; and the persons so intruding may also be indicted for misdemeanor, and on conviction, fined and imprisoned by any court of competent jurisdiction.

In the absence of contract, title presumed.

Sec. 24. If any person shall wilfully and maliciously destroy, or in any manner hurt, damage or obstruct the said road, or any bridge or vehicle used for or in the

Penalty for injury or obstruction.

transportation thereon, such person shall be liable to be indicted therefor, and on conviction, shall be imprisoned not more than six nor less than one month, and pay a fine not less than twenty dollars; and shall be further liable to pay all the expenses of repairing the same, and it shall not be competent for any person so offending against the provisions of this clause to defend himself, by pleading or giving in evidence, that he was the owner, agent or servant of the owner of such land, where such destruction, damage, or obstruction was done or caused, at the time the same was caused or done. And every obstruction to the free passage of vehicles on the said road, shall be deemed a public nuisance, and may be abated as such by an officer, agent or servant of the company, and the person causing such obstruction, may be indicted and punished for erecting a public nuisance.

Freightage. **Sec. 25.** The said company shall have the right to take, at the store-houses they may establish and annex to their rail road, all goods, wares, merchandize and produce intended for transportation, prescribe the rules of priority, and charge and receive such just and reasonable compensation for storage, as they, by rules, may establish, (which they shall publish,) or as may be fixed by agreement with the owner, which may be distinct from the rates of transportation. *Provided,* That the said company shall not charge or receive storage on goods, wares, merchandize or produce, which may be delivered to them at their regular depositories for immediate transportation, and which the company may have the power immediately to transport.

Dividend—how made. **Sec. 26.** The profits of the company, or so much thereof as the board of directors may deem advisable, when the affairs of the company will permit, shall be semi-annually divided among the stockholders in proportion to the stock each may hold. And the said company is hereby expressly prohibited from carrying on any banking operations; but may effect insurance of lives and property transported on the road.

Shall not obstruct other roads. **Sec. 27.** Whenever, in the construction of said rail road, it shall be necessary to intersect any established road or way, it shall be the duty of the company to construct said road across such established road or way, so as not to impede the passage of persons or property along the same; or where it may be necessary to pass through the land of any individual, it shall be the duty [of the company] to provide for such individual a proper wagon way or ways across said road from one part of his land to another.

Sec. 28. The said company shall possess such ad-

ditional powers as may be convenient for the due and successful execution of the powers granted in this charter, and for the successful construction and management of the work. This charter, however, shall be amendable, from time to time, by the legislature, whenever the president and directors shall unanimously petition for amendments; and when such amendments shall be adopted by the legislature, and submitted to the directory, and be accepted and adopted unanimously by the president and directors, they shall be obligatory on the stockholders, and not otherwise.

Charter may be amended.

Sec. 29. The president, directors, clerks, agents, officers and servants of said company shall be exempt from military duty, except in cases of invasion or insurrection, and shall also be exempt from serving on juries, and working on public roads. The company shall have full power and authority to purchase and own such number of slaves as may be necessary for the construction of said road, and for keeping the same in repair.

Officers exempt from military and jury duty.

Sec. 30. If, by decree or otherwise, the said corporation shall be dissolved, the president and directors of the company are created trustees, with such powers, only, as may be necessary to collect the debts due the company, preserve the property, pay the debts, and distribute the property and effects to those who may be entitled thereto under the charter. And the capital stock of said company shall forever be exempt from taxation; and the road, with all its fixtures and appurtenances, including workshops, ware-houses and vehicles of transportation, except slaves, shall be exempt from taxation for the period of twenty years from the completion of the said railroad, and no longer.

Upon dissolution of company, officers made trustees.

Capital stock exempt from taxation.

Sec. 31. The rail road, authorized by this act, shall be commenced within five years after the passage of this act, and shall be finished within ten years thereafter, otherwise the charter hereby granted shall be void.

To commence in 5 years.

Sec. 32. Any individual or individuals, company or body corporate, with permission of the legislature of this State, may hereafter construct branches to unite with the said East Tennessee and Virginia Rail Road; and it shall be the duty of said company, when required, to receive on their road the full loaded freight cars from such branches, and transport the same to their destination, and to return them without changing the loads thereof, or charging for the transportation of the goods, wares, merchandize and produce therein, any greater rate of freight than they charge for similar goods, wares, merchandize and produce in their own cars. *Provided*, That said company shall not be compelled to receive

Other roads to connect.

such cars on their road, unless constructed in the same manner, and are of equal strength with their own cars, of which the engineer of the main road shall be the judge. *And, provided,* That the company shall not be compelled to receive such cars on their road from any branches without receiving payment for at least twenty miles transportation. *And provided also,* That said company shall be entitled to similar and equal privileges on any branches constructed to unite with their road, being subject to the same restraints.

F. BUCHANAN,

Speaker of the House of Representatives.

J. M. ANDERSON,

Speaker of the Senate.

Passed, January 27, 1848.

CHAPTER CXXI.

An Act to pay the expenses of a guard for the apprehension of fugitives from justice, and for other purposes.

Be it enacted by the General Assembly of the State of Tennessee, That it shall be lawful for the Governor, for the time being, to appoint an agent or agents, to demand of the Executive authority of any other State or Territory, any fugitive from justice, or any other person charged with treason, felony, or any other crime, in this State; and said agent shall, if necessary, be authorized to employ a sufficient guard, or escort, to bring such criminals to this State. And it shall be lawful for the Governor, from time to time, to certify the account to the Comptroller, who shall issue his warrants on the Treasurer, for sufficient sums of money to defray the expenses of such agent and guard, or escort, and the jail fees in other States or Territories; for which sums of money the Treasurer shall be allowed in the settlement of his accounts.

F. BUCHANAN,

Speaker of the House of Representatives.

J. M. ANDERSON,

Speaker of the Senate.

Passed, February 4, 1848.

CHAPTER CXXII.

An Act to restore the lost records of the Circuit Court of Carter county

Whereas, On the night of the twenty-fifth of February, one thousand eight hundred and forty-six, the office of the Clerk of the Circuit Court of Carter county, together with all the papers, books and records of said court, was consumed by fire, whereby many persons are, and may be much injured; for remedy whereof,

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That all the judgments and decrees heretofore made by said court are hereby established, and declared to be good and valid to all intents and purposes as fully as if the same had not been destroyed as aforesaid. Lost records declared valid.

SEC. 2. In order to ascertain the substance of said judgments and decrees, the parties thereto and their attorneys, may by consent, in presence of the Judge who presided when the same was rendered, draw them up anew, and in such cases the Judge shall sign them and cause them to be entered of record in a book to be provided for the Clerk by the County Court. How to be restored.

SEC. 3. In case the parties or their attorneys cannot agree in drawing up said judgments and decrees as aforesaid, the Judge may, from his own recollection, aided by his notes or memorandums, where such exist, or by any docket of the court in his possession; and by the testimony of the clerk, or attorney, or jurors, or of any person acquainted with the substance of said judgments or decrees, cause the same to be drawn up anew, and to be recorded in the manner directed in the preceding section.

SEC. 4. In case the decree or judgment thus restored was interlocutory, the Judge shall proceed to final determination of the cause in the same manner as if the aforesaid accident had not happened.

SEC. 5. The judgments and decrees thus restored shall be carried into execution in the same manner as other final judgments and decrees.

SEC. 6. The Secretary of State shall furnish said clerk with a new set of the reports of the decisions of the Supreme Court, down to the fifth volume of Humphreys' Reports. Sec. of State to furnish Clerk Humphreys' Reports.

F. BUCHANAN,

Speaker of the House of Representatives.

J. M. ANDERSON,

Speaker of the Senate.

Passed, February 4, 1848.

CHAPTER CXXIII.

An Act to incorporate the Broad Street Fire Engine and Hose Company, in the City of Nashville.

Be it enacted by the General Assembly of the State of Tennessee, That "The Broad Street Fire Engine and Hose Company," in the City of Nashville, is hereby incorporated by the name aforesaid, with power to continue its organization, including its Library, according to the provisions of its present constitution and by-laws, so far as the same are not inconsistent with the constitution and laws of the State; with power to acquire and hold a house and lot for the convenient transaction of its business; and sell and convey the same, and reinvest the money as they may desire; and with power to have and use, in their business, a common seal.

F. BUCHANAN,

Speaker of the House of Representatives.

J. M. ANDERSON,

Speaker of the Senate.

Passed, February 5, 1848.

CHAPTER CXXIV.

An Act to repeal an act, entitled "an act to amend the Criminal laws of this State."

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That an act passed the 26th of January, 1842, entitled "an act to amend the Criminal laws of this State," be, and the same is hereby repealed.

SEC. 2. *Be it enacted,* That the act of 1822, section 3, chapter 40, be, and the same is hereby revived.

F. BUCHANAN,

Speaker of the House of Representatives.

J. M. ANDERSON,

Speaker of the Senate.

Passed, February 5, 1848.

CHAPTER CXXV.

An Act to change the time of holding the Circuit Courts in the county of Macon, and to give longer time for said Courts in the county of Jackson.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the time of holding the Circuit Courts for the county of Macon be altered, so as hereafter, they be held on the third Mondays in March, July, and November, instead of the second Mondays as heretofore; *Provided,* The first term of said court, shall be held as heretofore, and all subsequent terms as herein provided. Macon county
Circuit Court—
time altered.

SEC. 2. *Be it enacted,* That hereafter two weeks shall be allowed for holding the Circuit Courts of Jackson county, instead of one week as heretofore. Jackson county
Circuit Court—
2 weeks allow-
ed.

SEC. 3. *Be it enacted,* That the citizens of Perry and Decatur counties may at their option file their bills, either in the Chancery Courts at Lexington or at Huntingdon. Citizens of
Perry & Deca-
tur may file bills
at Lexington or
Huntingdon.

SEC. 4. The Chancery Court at Lawrenceburg, shall, after the passage of this act, be held at the same time as before the passage of the act of 1846, chapter 82, and that so much of said act as conflicts with this be repealed. Chancery court
at Lawrence-
burg—when
held.

SEC. 5. *Be it further enacted,* That the next term of the Circuit Court of Bedford county shall commence on the fourth Monday in March next, and that subpoenas and the *reire facias* of jurors, be returnable to the fourth Monday in March, and that all other process be returnable to the first Monday in April, 1848, as though this act had not passed; *Provided,* That the Court may try all state cases that may be ready for trial before the regular state's day, or such day as the court on the first day of the term as herein directed to commence, *And provided,* That the parties may have all process necessary to procure the attendance of witnesses. Circuit Court
of Bedford—
when held.

F. BUCHANAN,

Speaker of the House of Representatives.

J. M. ANDERSON,

Speaker of the Senate.

Passed, February 1, 1848.

CHAPTER CXXVI.

An Act for the relief of collectors and receivers of the revenue of the State in certain cases.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That on auditing the accounts of any collector or receiver of public revenue, the Comptroller of the Treasury shall allow him a credit at par for Bank notes which were at par when received by such officer, or if then depreciated, the depreciation of which was unknown to such officer at the time of his receiving the same, and the Comptroller shall give such officer a warrant to pay said notes into the Treasury, and the Treasurer shall receive the same and immediately convert them into cash at the current rate of depreciation.

SEC. 2. In case of actual payment by such officer of good funds into the Treasury, instead of depreciated Bank notes, collected or received as aforesaid, the Comptroller shall give such officer a warrant to pay said notes into the Treasury, and a warrant to receive back the good funds so paid in.

SEC. 3. The evidence upon which the Comptroller shall issue said warrants, shall be the accounting officer's sworn statement, that the notes in question, were collected or received before he had knowledge of their depreciation, and such other evidence as the nature of the case may enable the officer to adduce, which evidence shall be filed and preserved in the Comptroller's office; *Provided,* that swearing falsely under this section, shall be perjury.

F. BUCHANAN,

Speaker of the House of Representatives.

J. M. ANDERSON,

Speaker of the Senate.

Passed, February 5, 1848.

CHAPTER CXXVII.

An Act to appoint a Commissioner for mouth of Chucky road, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That from and after the passage of this act, it shall be the duty of the Commissioners of the

Bean's Station Turnpike road, to lay out any money arising from tolls received on said road, (over and above what is necessary to keep said road in good repair,) in working the road called the mouth of Chucky road, leading from John Maye's in Grainger county to the mouth of Chucky; said road to be worked from the said Maye's to the Knoxville road, at the residence of Marcus M. Rogers.

SEC. 2. *Be it enacted*, That John Morris be appointed an additional commissioner to co-operate with the commissioners already appointed for the Bean's Station Turnpike road, in having the said road from John Maye's to Marcus M. Rogers worked as aforesaid. Additional Commissioner.

SEC. 3. *Be it enacted*, That all laws and parts of laws, conflicting with the provisions of this act, be and the same are hereby repealed. Former laws repealed.

SEC. 4. *Be it enacted*, That all hands that are or may be required to work on the road at this time, or may be appointed hereafter by the county court, shall work four days in each year on said road, under the overseer of the road that is or may be hired by the commissioners. Hands to work four days.

F. BUCHANAN,

Speaker of the House of Representatives.

J. M. ANDERSON,

Speaker of the Senate.

Passed, February 4, 1848.

CHAPTER CXXVIII.

An Act to enlarge and define the boundary of the Town of Celina in the county of Jackson.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the citizens in the following boundary be, and they are hereby incorporated in a body politic, under the name and style of the town of Celina. Beginning at a large Sycamore, near the river spring; thence east, with Isaac Davis' line, fifty poles to a stake; thence north fifty poles to a stake; thence west thirty degrees north, to the river; thence with the river to the beginning. Incorporation and boundary.

SEC. 2. *Be it further enacted*, That said town of Celi-Powers, &c, na is hereby incorporated with all the rights, powers, and privileges and subject to all the restrictions that the

citizens of the town of Celina in the county of Jackson, are now, by their acts of incorporation, entitled to.

F. BUCHANAN,

Speaker of the House of Representatives.

J. M. ANDERSON,

Speaker of the Senate.

Passed, February 3, 1848.

CHAPTER CXXXIX.

An Act to amend an act to call on clerks for execution dockets, and passed 1833, chap. 43, sec. 1, 2, 3, 4.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the act of 1833, chapter 43, sections 1, 2, 3, 4, requiring the different Attornies General, in this State, to call upon the Clerks of the County, Circuit and Supreme Courts, in their respective districts, for their execution dockets, be so amended as to require the Attornies General, to call upon the clerks of the Chancery Courts, in their respective districts, for their execution dockets; and the provisions of the above recited act of 1833, chapter 43, shall apply to all executions issued by them.

SEC. 2. *Be it enacted,* That it shall be the duty, and the several Attornies General of this State are hereby required, within twelve months after the passage of this act, to call upon the clerks of the County, Circuit and Supreme Courts, in their respective districts, for their execution dockets, and to examine the same carefully, from the passage of the above recited act of 1833, chapter 43, up to the present day, and to move for judgments under the rules and regulations provided in said recited act.

SEC. 3. *Be it enacted,* That Circuit Court Clerks be allowed at the rate of six per cent upon all moneys by them received from delinquent revenue collectors, and by them reported to the Comptroller, and deposited in the Treasury, as required by the 9th section of the act of 1844, chapter 103.

F. BUCHANAN,

Speaker of the House of Representatives.

J. M. ANDERSON,

Speaker of the Senate.

Passed, February 4, 1847.

CHAPTER CXXX.

An Act to amend the Criminal Laws of this State, and to protect and preserve inviolate the right of trial by Jury.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That when any person or persons, in this State, may be arraigned for trial, on a charge of felony, and any person shall be presented to the prisoner, as one of his triers, it shall be good cause of challenge, if it shall appear that such person has applied to the sheriff to be one of the guard to take such prisoner to the penitentiary.

SEC. 2. *Be it enacted*, That hereafter, it shall not be lawful for any sheriff, in this State, to summons any person, as a guard, to assist in taking a prisoner to the penitentiary, whom such person as a juror, convicted.

F. BUCHANAN,

Speaker of the House of Representatives.

J. M. ANDERSON,

Speaker of the Senate.

Passed, February 3, 1848.

CHAPTER CXXXI.

An Act to continue Gerard Troost, Geologist of the State.

Be it enacted by the General Assembly of the State of Tennessee, That Gerard Troost shall be Geologist of the State, for the next ensuing two years, with a salary of five hundred dollars per annum; and it shall be his duty to prepare, and submit to the next General Assembly, a report upon the Geology, Mineralogy and Fossils of the whole State, illustrated with maps, plans, and drawings; and with regard to minerals, especially, showing the practical purposes to which they may be applied in the arts, manufactures, and commerce, and suggesting the most approved methods of working them. To enable him to do which, he shall make all necessary explorations, and local examinations.

F. BUCHANAN,

Speaker of the House of Representatives.

J. M. ANDERSON,

Speaker of the Senate.

Passed, February 2, 1848.

CHAPTER CXXXII.

An Act to alter and change the times of holding the Circuit Courts, in the counties of Cocke and Sevier, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That hereafter the Circuit Courts for the county of Cocke shall commence and be held on the third Mondays of March, July and November, and the Circuit Courts for the county of Sevier, shall commence and be held for said county on the Mondays next before the first Mondays in April, August and December, in each and every year; *Provided,* the first terms of said Court in the year one thousand eight hundred and forty-eight, shall be held at the times heretofore prescribed by law.

SEC. 2. *Be it enacted,* That hereafter the citizens of the counties of Greene, Jefferson and Cocke, may file their bills in Chancery, in the Chancery Court at Greenville in the county of Greene, or in the Chancery Court at Dandridge, in the county of Jefferson, as they may choose, *provided,* that nothing in this act shall in anywise repeal the second section of an act passed, January 30th, 1844, chapter 201.

SEC. 3. *Be it further enacted,* That the Circuit Courts in Marshall county, shall hereafter be held on the fourth Mondays in March, July and November, and the Circuit Courts in the county of Hickman, shall hereafter be held on the third Mondays in April, August and December; *provided,* that this section shall not take effect until after the first Monday in May next.

SEC. 4. *Be it further enacted,* That the Chancery Court at Lebanon, Wilson county, shall hereafter be held on the first Mondays in January and July, in each and every year.

SEC. 5. *Be it enacted,* That from and after the next term of the Circuit Court to be held in the county of Claiborne, said Circuit Court shall be held on the first Mondays of January, May and September, and in Campbell county on the third Mondays of the same month, so as to give the Circuit Courts in Campbell county two weeks instead of one.

F. BUCHANAN,

Speaker of the House of Representatives.

J. M. ANDERSON,

Speaker of the Senate.

Passed, February 4, 1848.

CHAPTER. CKXXIII.

An Act to extend the corporate limits of the town of Fayetteville.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the corporate limits of the town of Fayetteville, in Lincoln county, be and the same are hereby so extended, as to embrace the following lots or parcels of ground: one parcel on High street, joining lot No. 17, and part of lot No. 112 on the south side of said town, running with said lots, 15 poles, and with said High street, 6 poles, 14½ feet, north and south, and to be known as lot No. 134 in the plan of said town. One other parcel of ground, beginning at the north east corner of lot No. 61, thence east 4 poles, thence south 10 poles, thence west to the south east corner of lot No. 61. One other parcel, beginning at the north east corner of lot No. 62, thence east 4 poles, thence south 10 poles, thence west to the south east corner of lot No. 62. One other parcel, beginning at the north east corner of lot No. 41, thence east 4 poles, thence south 10 poles, thence 4 poles to the south east corner of said lot No. 41.

Boundaries.

SEC. 2. *Be it further enacted*, That the corporate limits of said town be further extended, so as to embrace the following parcel of land, beginning at the south east corner of lot No. 17 of said town, running due south to the branch, meandering the same to a point due south of the south west corner of lot No 28, thence north to the corner of said lot No 28, thence west to the beginning.

Boundary extended.

F. BUCHANAN,

Speaker of the House of Representatives.

J. M. ANDERSON,

Speaker of the Senate.

Passed, January 29, 1848.

CHAPTER CXXXIV.

An Act to tax persons peddling and retailing patent medicines.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That all persons who receive patent medicines, for the purpose of retailing them, shall take out a license from the County Court Clerk, for twelve months, which shall show that he, she or they have paid to said clerk, for county purposes, the sum of five dollars; and upon failure to take out said license, the said clerk shall institute suit against him, her or them, in his official name, before some justice of the peace, who shall give judgment and issue executions as in other cases.

Physicians
and Apothecaries
exempt.

SEC. 2. *Be it further enacted;* That nothing herein contained shall apply to practising physicians, or apothecary establishments.

SEC. 3. *Be it enacted,* That all travelling peddlers, vending or depositing patent medicines, for sale, shall pay to the County Court Clerk of each county, in which they may sell, or deposit the same for sale, ten dollars for county purposes, which shall be collected as provided for in the first section of this act.

F. BUCHANAN,

Speaker of the House of Representatives.

J. M. ANDERSON,

Speaker of the Senate.

Passed, February 2, 1848.

CHAPTER CXXXV.

An Act to amend an act, passed the 21st of December, 1848, entitled "an act to establish the County of Lewis."

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That J. Nelson Patterson, of the county of Giles, and Jacob McCaig, of the county of Perry, and Robert C. Hemphill, of the county of Hardin, be, and they are hereby appointed commissioners, to locate the seat of justice for the county of Lewis, who shall receive five dollars per day, to be paid by the county of Lewis.

SEC. 2. *Be it enacted,* That said commissioners shall locate said seat of justice at the most suitable place within two miles of the centre of said county. In ascertaining the centre of said county, it shall not be neces-

'Where to locate.

sary to survey the same, but the centre may be ascertained by calculation from the entry-taker's map of said county.

SEC. 3. After the seat of justice for said county shall be located by said commissioners, appointed in the first section of this act, it shall be duty of the county court of said county, to appoint five commissioners, a majority of whom shall constitute a board to do business, with the same powers and duties conferred upon the commissioners by the act establishing the county of Lewis, except the location of the county seat, and such other duties as have already been performed. County court to appoint commissioners.

SEC. 4. *Be it enacted*, That the courts of said county shall be held at such place as shall be designated by the county court, until the public buildings are ready for the same to be held at the county seat. Courts—where held.

SEC. 5. That it shall be the duty of the county court clerk, for said county, to designate some place and time prior to the first day of May next, at which the three commissioners hereby appointed, shall be notified by said clerk, to attend and proceed to perform the duties herein assigned them. Clerk to designate place of meeting.

SEC. 6. That so much of the act of the General Assembly of this State, heretofore passed, as established the county Academy at Gordon, or in the vicinity thereof, be and the same is hereby repealed. And it is hereby made the duty of said trustees to select a site, purchase a lot, and erect said Academy at the county site, as may be settled by the commissioners hereby appointed. County Academy—where located.

SEC. 7. That the county site, when agreed upon by the commissioners aforesaid, shall continue to be the permanent seat of justice in said county, to be called and known by such name as may be agreed upon by the commissioners of said county, who shall proceed to purchase the ground for such town, lay off the lots, sell the same, erect public buildings, and in all other respects, proceed, as directed by previous acts of the General Assembly, to the erection of said town. County site permanently established.

SEC. 8. *Be it enacted*, That the entry-taker's and surveyor's office may be kept at any suitable place, within three miles of the present county seat, at Gordon, until six months after the location of the seat of justice of said county, as is herein provided for, when they shall be removed to the county site. Entry-taker's and surveyor's offices—where kept.

SEC. 9. *Be it further enacted*, That the sum of five hundred dollars be, and the same is hereby appropriated out of any money in the Treasury, not otherwise appropriated, or so much thereof as may be necessary to Place of interest for Gen. Lewis provided for.

preserve the place of interment, where the remains of Gen. Meriwether Lewis were deposited, and that Robert A. Smith, of the county of Lewis, Hon. Edmund Dillahunt and Barclay Martin, of Maury county, and Dr. Samuel B. Moore, of Hickman county, be, and are hereby made the agents of this General Assembly to carry into execution the provisions of this act, and report to the next General Assembly.

Comptroller to issue warrant. SEC. 10. That the agents, appointed in the 9th section, shall present an account of their expenditures in execution of their agency, which accounts the Comptroller shall audit, and issue his warrant for such sum as they have contracted for, not exceeding five hundred dollars, which warrant shall be paid by the Treasurer, as ordered by the 9th section.

SEC. 11. This act shall be in full force from and after the passage thereof.

F. BUCHANAN,

Speaker of the House of Representatives.

J. M. ANDERSON,

Speaker of the Senate.

Passed, February 4, 1848.

CHAPTER CXXXVI.

An Act to incorporate the Amasagassian and Philomathian Societies of Cumberland University.

Amasagassian Society incorporated. SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Henry R. Owen, Jesse Aldridge, W. L. Bone, J. L. McDonnell, S. B. Vance, T. H. Jamison, R. G. Harper, N. Green, Jr. and those associated with them and their successors, be and they are hereby incorporated and made a body politic, by the name and style of the Amasagassian Society of Cumberland University, for the purpose of mutual improvement in the arts and sciences, and general literature, with full power and authority to form and adopt such a constitution and by-laws, as may be thought proper for its government; *Provided*, That the same be not inconsistent with the constitution and laws of the State of Tennessee.

Powers. SEC. 2. *Be it further enacted*, That the persons hereby incorporated may use a common seal, may sue and be sued, plead and be impleaded, answer and be answered unto, in all courts whatsoever, and may hold

real, personal and mixed property, not exceeding ten thousand dollars in value, and may exercise all powers belonging to corporate bodies for the purpose of promoting useful knowledge.

SEC. 3. *Be it further enacted*, That George W. Cook, Benjamin Decherd, jr., C. C. Abernathy, W. A. Carruthers, D. M. Donnell, John W. Stewart, W. M. Reed, Robert Green, E. L. Golladay, D. G. Dismukes, W. M. Lillus, and those associated with them, and their successors be, and they are hereby incorporated and made a body politic, by the name and style of the Philomathian Society of Cumberland University, with the same objects and ends, and with the same powers and privileges, rights and immunities, abilities and disabilities, as the Amasagassian society. Philomathian
Society incor-
porated.

SEC. 4. *Be it enacted*, That so much of the act passed December 17, 1847, sections 8 and 11, entitled "an act to establish the Memphis Institute," for the public and private inculcation and diffusion of the arts and sciences, that declares in the following words in the 8th section "or otherwise dispose of for the use of said Institute in such manner as to them shall seem most beneficial to the Institute," and in the 11th section the words "any misuser or," be and the same is hereby repealed.

F. BUCHANAN,

Speaker of the House of Representatives.

J. M. ANDERSON,

Speaker of the Senate.

Passed, January 31, 1848.

CHAPTER CXXXVII.

An Act for the benefit of the wives and widows of the soldiers of the Mexican war.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the wives and widows of the soldiers who have served, or who may hereafter serve in the war between the United States and Mexico, who now are, or who may hereafter become deranged, shall be received by the Superintendent, and kept in the Lunatic Asylum, at the public expense.

SEC. 2. *Be it enacted*, That applicants, under the provisions of this act, shall present to the Superintendent a certificate of the Chairman of the County Court, in

which the deranged woman lives, to the purport, that she is the wife of a soldier of the Mexican war; and the certificate of the County Court Clerk, with the county seal affixed, to the purport, that the signature to the first certificate is that of the Chairman of the County Court.

F. BUCHANAN,

Speaker of the House of Representatives.

J. M. ANDERSON,

Speaker of the Senate.

Passed, February 4, 1848.

CHAPTER CXXXVIII.

An Act for the relief of the sureties of James M. Anderson, late Sheriff of Hamilton county, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That it shall be lawful for each surety of James M. Anderson, late Sheriff of Hamilton county, to execute his note with good and sufficient security, to be approved by the clerk of the Circuit Court of Hamilton county, for such portion of the State tax due from said Sheriff for the years 1840 and 1841, as will be his equal proportion of the amount for which he is bound, dividing the liability amongst the several securities for each year, which notes shall be payable twelve months after given and bear interest from date, and shall be made payable to said clerk and his successors in office for the benefit of the State, and shall be collected by said clerk when due, and the proceeds be accounted for by him, as other public monies, and when so executed, such security shall be released from further liability on that account; *Provided,* the other securities and principal consent thereto, and that this act shall not release the principal and other securities from their liabilities.

SEC. 2. *Be it enacted,* That the County Court of Hamilton county, a majority of the justice concurring therein, may if they deem it for the interest of said county, make the same arrangement with the securities of the said James M. Anderson in relation to the county revenue due from him and them for years 1840, 1841, 1842 and 1843, which is by the first section of this act authorized, in relation to the State revenue; and should any notes be given and money collected under the authority of this section, the same shall be accounted for

State revenue
—sureties, how
released.

For county
revenue—how
released.

and paid over, by the clerk of the Circuit Court to the trustees of Hamilton county.

SEC. 3. *Be it further enacted*, That the Comptroller issue his warrant to Benjamin Thurman, late sheriff of Hawkins county for \$57, for his commission on the State tax of Hawkins county for 1843. Comptroller to issue warrant to Benj. Thurman.

F. BUCHANAN,

Speaker of the House of Representatives.

J. M. ANDERSON,

Speaker of the Senate.

Passed, February 4, 1848.

CHAPTER CXXXIX.

An Act to incorporate the Polymathic Society of Maryville, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That John E. Toole, Jesse G. Wallace, William S. Porter, James R. Love, S. T. Bicknell, Thomas A. Pope, Samuel T. Cox, R. J. Wilson, Samuel Pride, D. D. Foute, R. D. Brabson, John S. McNutt, J. C. Fagg, D. C. Brickle, James M. Toole, Montgomery McTier, W. W. Wallace, James A. McAmey, J. M. Kennedy, William McTier, S. J. McReynolds, William D. McGinty, R. S. Cates, James F. Deavers, D. W. Tedford, John U. Tedford, John Singleton and John B. Cox, be, and they are hereby constituted a body corporate and politic, by the name of "the Polymathic Society of Maryville;" and by that name, shall have succession for five hundred years, and a common seal; and they and their successors, by the name aforesaid, shall be capable in law to receive, hold and purchase, to themselves and their successors, any lands, tenements, goods or chattles, which shall be given, granted or devised to them, or purchased by them, for the use of said society, and to use or dispose of the same, as may seem to them most advantageous for said society; and they and their successors, by the name aforesaid, may sue and be sued, plead and be impleaded, in any court of law or equity, in this State or elsewhere. Polymathic Society incorporated.

SEC. 2. *Be it further enacted*, That the members of said society shall have, and they are hereby invested with the power, to receive into said society other indi- May receive members.

viduals, upon such terms as they may prescribe, and such individuals, so received, shall come within the provisions of this act.

SEC. 3. *Be it further enacted,* *That the members of said society shall have full power and authority to adopt such constitution and by-laws, rules and regulations, for the government of the society, as to them may seem most expedient; and such constitution, by-laws, rules, and regulations shall have the force and effect of a legal enactment upon the members of said society. *Provided,* That such constitution, by-laws, rules, and regulations do not conflict with the constitution and laws of Tennessee.

May establish
by-laws..

SEC. 4. *Be it further enacted,* That the Mayor and Aldermen of the town of Maryville, in Blount county, may extend the corporate limits of said town by and with the consent of the owners of property to be thus included.

F. BUCHANAN,

Speaker of the House of Representatives.

J. M. ANDERSON,

Speaker of the Senate.

Passed, February 2, 1848.

CHAPTER CXL.

An Act to repeal an act incorporating the Bledsoe Female Academy, in the county of Sumner.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the act, passed the 2d day of January, 1846, incorporating Bledsoe Female Academy, in the county of Sumner, be and the same is hereby repealed.

Former act
repealed.

SEC. 2. *Be it enacted,* That the trustees of Montpelier Academy, in the county of Jackson, shall appropriate one half of the funds of said Academy to the education of females, either in separate apartments of said Academy, or in different buildings, as said trustees may deem most advisable.

Trustees of
Montpelier A-
cademy may di-
vide funds.

SEC. 3. *Be it enacted,* That the act of 9th January, 1830, incorporating a Medical Society in the State of Tennessee, be so amended as to authorize the State Medical Society, to grant charters for county societies, upon

State Medical
Society may
grant county
charters.

petition of five regular practising physicians, residing in the county petitioning for a society, made to the President of the State Society, at one of its regular annual meetings. The State Society may, a majority of the members present agreeing thereto, repeal or amend said charters of incorporation, for county societies, at any annual meeting; and in any manner they may determine, grant them such privileges, and impose upon them such liabilities and restrictions as they may deem necessary, for the promotion of the medical sciences, not incompatible with the provisions of the charter incorporating the Medical Society in the State of Tennessee.

F. BUCHANAN,

Speaker of the House of Representatives.

J. M. ANDERSON,

Speaker of the Senate.

Passed, January 31, 1848.

CHAPTER CXLI.

An Act to attach the county of Macon to the Nashville Bank District, and to give said county a Director in said Bank.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the county of Macon is hereby attached to the Nashville Bank District, and that the said county of Macon shall have a director in said Bank, to be chosen in the same way and have the same rights and privileges as the other directors of said Bank. Macon county a director.

SEC. 2. *Be it enacted,* That the county of Henderson shall have a director in the Branch of the Bank of Tennessee at Trenton, said director to be appointed as other directors and have the same power as other directors in said Bank. Henderson Co. a director in bank at Trenton.

SEC. 3. The county of Lawrence shall have a director in the Bank of Tennessee at Nashville, under the same rules and restrictions as in other cases. Lawrence Co. a director.

SEC. 4. *Be it enacted,* That the President and directors of the Bank of Tennessee be authorized to continue the agencies at Athens, Columbia and Clarksville, and direct such management in the same as they may deem necessary for the interest of the institution, and the good of the public; and said agencies may continue until otherwise ordered by the Legislature; *provided,* the Agencies at Athens, Columbia and Clarksville continued.

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Branches are not restored at the present session of the Legislature.

F. BUCHANAN,
Speaker of the House of Representatives.
J. M. ANDERSON,
Speaker of the Senate.

Passed, February 4, 1848.

CHAPTER CXLII.

An Act to change the time of holding the regimental musters in the nineteenth Brigade, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the Regimental Musters of the nineteenth Brigade shall be held in each and every year as follows: in the one hundred and seventeenth Regiment, in the county of Weakley, on the first Thursday in October; in the one hundred and eighteenth Regiment, in the same county on Friday, the next day; in the one hundred and thirty-sixth Regiment, in the county of Obion, on Saturday, the next day; in the one hundred and nineteenth, on Monday following; in the one hundred and twentieth, on Tuesday the next day; in the one hundred and thirty-seventh, on Wednesday, the next day; in the one hundred and forty-seventh, on Thursday, the next day; in the one hundred and fiftieth on Friday, the next day.

Regimental
musters—when
held.

SEC. 2. *Be it enacted,* That from and after the passage of this act, the Regimental Musters of the 101, 102, 103, 104, 105, 106, 97 and 98th regiments shall be held as follows, viz: the 97th on the second Friday in October; the 98th on the following Saturday; 103d on the first Monday after the second Friday in October; the 104th on the following Tuesday; the 101st on the first Wednesday after the second Friday in October; the 102d on the following Thursday; the 105th on the third Friday in October, and the 106th on the following Saturday.

SEC. 3. The company drill musters in said several Regiments shall be held on the Saturdays next preceding their Regimental Musters.

F. BUCHANAN,
Speaker of the House of Representatives.
J. M. ANDERSON,
Speaker of the Senate.

Passed, January 31, 1848.

CHAPTER CXLIII.

An Act to repeal certain acts of the General Assembly of Tennessee.

Be it enacted by the General Assembly of the State of Tennessee, That the act of 1838, chapter 294, and the act of 1840, chapter 135, and all other public and private acts of the General Assembly of the State of Tennessee, giving to persons or courts the power to erect or to authorize the erection of fish-traps, mill-dams or other dams, or bridges, in, across, or over Elk river, where the same has been declared navigable, be, and the same are hereby repealed; but this act shall take away no right vested in any person by the aforesaid acts of 1838, 1840, and other acts; nor shall it prevent the erection of any bridge over Elk river, not obstructing the navigation thereof by steam or otherwise.

F. BUCHANAN,

Speaker of the House of Representatives.

J. M. ANDERSON,

Speaker of the Senate.

Passed, February 5, 1848.

CHAPTER CXLIV.

An Act prescribing the mode in which devises and other donations to County or Common Schools shall be paid and accounted for.

Be it enacted by the General Assembly of the State of Tennessee, That where any person has heretofore given, or may hereafter give, by will, deed, or otherwise, any property or effects, for the use of schools, the same shall, if for any particular county or counties, be paid over and accounted for, by the executor, administrator, or other person having the possession thereof, to the county trustee of the county to which the property or fund belongs, to be accounted for by him as other county school money; and if for the State at large, the same shall be paid into the hands of the Treasurer of the State for the use of common schools generally.

F. BUCHANAN,

Speaker of the House of Representatives.

J. M. ANDERSON,

Speaker of the Senate.

Passed, February 5, 1848.

CHAPTER CXLV.

An Act to alter and change the line between the counties of Greene and Cocke.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the line between Greene and Cocke counties, be so altered, as to include in Cocke county, all the lands and buildings of George Easterly Jr., south and west of the Nolichucky River.

County line of Rutherford and Davidson altered.
SEC. 2. *Be it enacted*, That the county line between the counties of Rutherford and Davidson, be so altered as to commence at a point in the west fork of Hurricane Creek, where the line now crosses said fork; thence down the west fork or branch to Hurricane Creek; thence down Hurricane Creek to Stones River; thence up Stones River to the raft shoal; thence north to the Wilson county line; and that Moses R. Buchanan of Rutherford county, be appointed to run and mark the line from the River to the Wilson county line, and shall be paid for the same by the petitioners seeking to be attached to Davidson county. The citizens residing west of the above described line shall be attached to and become citizens of Davidson county, from and after the first day of May next.

F. BUCHANAN,

Speaker of the House of Representatives.

J. M. ANDERSON,

Speaker of the Senate.

Passed, February 4, 1848.

CHAPTER CXLVI.

An Act to authorize Merchants and others, to transfer or change their License.

Transfer of stock and license.
SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That whenever any person or persons for the purpose of engaging in any business which requires license by the laws of this State, shall have taken out such license, and before the expiration of the term thereof, shall sell out his, her, or their stock, in trade, or privilege to any other person or persons to be again sold, the person or persons purchasing, said stock in trade or privilege to be sold again, shall not be required to pay any other tax or license on said stock in trade or privilege; *Provided*, that the person or persons selling the same, go immediately before the clerk of the County Court,

and make affidavit according to law, of the amount on which he, she or they are then bound to pay license, or tax, and pay the same, and surrender up the original license; *and provided*, that the person or persons who shall purchase said stock in trade or privilege aforesaid, shall at the same time make a statement upon oath of the amount, if any, of the stock in trade or privilege, that he, she or they, have added to the stock or privilege so purchased, and pay the amount of tax or license on the same, if any, and take out license, as an original applicant; *and provided*, that if the purchaser or purchasers under this section should be a person or persons having license, the second proviso of this section need not be complied with.

SEC. 2. *Be it enacted*, That should any person or firm of persons, after taking license in any one county in the State, and before the term of such license shall expire, wish to remove his, her or their stock in trade or privilege, to another county in the State, it shall and may be lawful for such person or firm of persons to go before the clerk of the County Court, from whom he, she or they have obtained license, and make a statement on oath of the amount he, she or they may then be bound to pay license or tax upon and pay the same, and surrender the original license and take a certificate thereof, from said clerk, and upon said person or firm of persons presenting said certificate to the County Court of the county in which said stock in trade or privilege, is removed to be sold, and making affidavit before said clerk of the amount added to said stock in trade or privilege, on which license or tax has been paid, if any, and paying the same and taking a license as an original applicant, said person or firm of persons shall not be required to pay tax upon said stock in trade or privilege, once paid on and removed; *Provided*, that nothing in this section shall be so construed as to prevent the County Court of the county to which said stock in trade or privilege are removed to, from laying a tax upon the same for county purposes.

SEC. 3. *Be it enacted*, That in a firm of two or more persons engaged in merchandize or any other business requiring license, if any, one or more shall die pending a license, or if one or more shall retire from, or be added to the firm, the surviving or remaining members or the new firm under such additions, shall in like manner immediately appear before the clerk of the County Court and surrender the original license, pay the revenue then accrued upon the same, and take out a new license under the same rules, regulations and restrictions as an original

Change of firm
—new license
required.

applicant, but the stock in trade or privilege once paid for or taxed shall never be again taxed.

F. BUCHANAN,

Speaker of the House of Representatives.

J. M. ANDERSON,

Speaker of the Senate.

Passed, February 5, 1848.

CHAPTER CXLVII.

An Act for the relief of Jeremiah T. Rust, Sheriff of Carroll county.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Treasurer of the State be directed to refund to Jeremiah T. Rust, Sheriff of Carroll county, the sum of twenty-seven dollars and fifty cents, for insolvencies disallowed him out of the State revenue, collected by said Rust for the year 1845.

SEC. 2. *Be it enacted*, That when any sheriff or tax collector has sold, or may sell, any land in this State for the taxes, he is hereby authorized to make a deed of conveyance for the lands, so sold to the purchaser, and when any such sheriff, or tax collector, has gone, or shall go out of office, not having executed deeds for the land sold by such sheriff or collector, while in office, it shall be the duty of the successor in office, of said sheriff or tax collector, to execute such deed for all lands sold by a former sheriff or tax collector; which deeds shall be as good and valid in law and equity, as if the same had been executed by the sheriff or tax collector who sold the lands.

F. BUCHANAN,

Speaker of the House of Representatives.

J. M. ANDERSON,

Speaker of the Senate.

Passed, February 4, 1848.

CHAPTER CXLVIII.

An Act to amend an act entitled an act to incorporate the inhabitants of the town of Columbia, in the county of Maury, passed on the 17th November, 1817.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the corporate limits of said town be enlarged and extended as follows: Beginning at a point on the western margin or boundary of said town, west and opposite to the south-west corner of lot No. 148, as designated in the present plan of said town, running thence west to the line as conveyed and established by the heirs of Nicholas Long to the heirs of Anthony Bledsoe, thence south with said line to the north-west corner of a piece of ground owned by James Walker, thence east with said Walker's, north boundary line, continuing a strait line to the line of Bradshaw's heirs, thence north with said Bradshaw's line to Duck river, thence down the bank of said river to the point where Division street strikes the same, thence with the present boundary of said town north-west and south to the beginning; and that all that country or district of country included within the bounds as hereby enlarged and extended, shall be added to and make a part of the corporation of the town of Columbia, and that the corporate authorities of said town shall have and exercise all the power and authority over the persons residing, and property situated in said limits, to the same extent as given by the act which this is intended to amend, over the persons and property residing and being in the present corporate limits of said town, except as hereinafter provided for.

Boundaries of extension.

SEC. 2. *Be it enacted,* That the said corporate authorities shall not have the power to open, widen, or establish any street, lane or alley, within the bounds hereby added to the present limits of said town.

No power to open streets, &c.

SEC. 3. *Be it enacted,* That the power of said corporation to levy and collect taxes as provided for in said act which this is intended to amend, shall not extend and give the right to levy and collect taxes upon any land or grounds, whether cleared or not, embraced in the bounds hereby added to said corporation, unless the same is improved, and then only to the extent of the value of said improvements, with the necessary grounds thereto attached, used as a yard, garden, stable lot &c.; *Provided,* the said corporation may have the right to levy and collect taxes upon any such grounds, hereafter improved to the extent aforesaid.

Unimproved grounds not taxable.

SEC. 4. *Be it enacted,* That no taxes shall be levied

Not taxable or collected by said corporation, of and from the persons, for debts due. or property, living and being within the bounds hereby added to said corporation for the purpose of paying any debt now due and owing by said corporation, or for any debt or liability which may be incurred, by said corporation before the 4th Saturday in March next, but for all such debts and liabilities the said corporation, shall from time to time, if necessary, levy and collect an additional and extra tax, upon the property and persons residing and being within the present corporate limits of said town, subject to taxation for the purpose of satisfying said debts and liabilities.

Laid off in Wards. SEC. 5. *Be it enacted*, That the present board of Mayor and Aldermen of the town of Columbia, shall cause said corporation as now enlarged, to be divided into three wards, the same to be laid off equally as to population, as can be conveniently done, each of said wards shall be entitled to vote for three persons who reside in said ward to act and serve as Aldermen, for said corporation for one year, and until their successors are elected and qualified. The said board of Mayor and Aldermen, shall designate a house or place in each of said wards for the purpose of holding the election for said Aldermen for the said ward, and that the boundaries of said wards, so laid off, shall stand unless altered and changed by an act or ordinance of the board of Mayor and Aldermen of said town.

Election of Mayor, Aldermen and Constable. SEC. 6. *Be it enacted*, There shall be elected on the 4th Saturday in March next, and upon the 4th Saturday of March, in each and every year thereafter, three persons from each of said wards to act as Aldermen for said town for one year, and until their successors are elected and qualified; that at the same time there shall be elected a Mayor, who shall preside and have the casting vote, also a town Constable, both to be elected by all the qualified voters of said corporation as hereby established, to act for one year from the first Saturday next succeeding said election, in each and every year. The town Constable when elected shall give bond and security, satisfactory to the said board, in the penalty not exceeding the sum of twenty thousand dollars, which bond shall be made payable to the Mayor and Aldermen of the town of Columbia, with such conditions for the faithful discharge of his duty as said board shall prescribe.

Sheriff to hold election. SEC. 7. *Be it enacted*, That the Sheriff of Maury county, by himself and deputies, shall open and hold an election according to the laws of this State, in each of the wards at the place designated in said wards, respectively, as provided for in this act, on the 4th Saturday in

March next, and upon the fourth Saturday of March, in each and every year thereafter, for the purpose of electing three persons to serve as Aldermen for said corporation, also a Mayor and town Constable for said corporation, as provided for by this act; the said Aldermen to be voted for by the qualified voters of said corporation residing in the wards in which they offer to vote, and the Mayor and town Constable to be voted for by all the qualified voters of said town, and that the Sheriff make certificates of said election showing the persons who have received the highest number of votes, and are thereby elected as Mayor, as Aldermen, as town Constable, and that he furnish said certificates to the recorder of said town, and in case there is a vacancy in the office of Recorder, that he furnish the same to the Mayor of said town.

SEC. 8. *Be it enacted*, That the persons so elected Mayor and Aldermen, shall meet at the Court house, or in the town hall, if there be one in said town, on the Saturday next succeeding the day of their election; that they then and there organize themselves as a board of Mayor and Aldermen of said town, as provided for in this act, and the act, which this is intended to amend. When Board to organize.

SEC. 9. *Be it enacted*, That it shall take seven to make and constitute a quorum of said board to do business, and act under this act, and the act which this is intended to amend; and that the Mayor shall have the casting vote, and may receive a compensation to be fixed by the board of Aldermen, not to exceed one hundred and fifty dollars annually. Quorum)

SEC. 10. *Be it enacted*, That the Mayor and Aldermen may in their discretion, take out so much of the taxes, raised from the different wards, for the purpose of procuring a fire engine or engines, and for other purposes in which the town may be generally interested, and expend the same accordingly; the residue of said taxes shall be expended in the different wards in the proportion in which the same was raised, so as to give each of said wards its due proportion of said residue, upon such improvements in said wards respectively, as said board may direct. Taxes—how appropriated.

SEC. 11. *Be it enacted*, That the Mayor and Aldermen elected under the provisions of this act, shall have all the powers and authority, given in the act which this is intended to amend, and which are given in this act, according to the true intent and meaning of the same. Powers of Board.

SEC. 12. *Be it enacted*, That so much of the said act of the 17th of November, 1817, as is inconsistent with and contrary to this act, be and the same is repealed.

*SEC. 13. *Be it enacted*, That this act shall take effect from and after the fourth Saturday of March next.

F. BUCHANAN,

Speaker of the House of Representatives.

J. M. ANDERSON,

Speaker of the Senate.

Passed, January 28, 1848.

CHAPTER CXLIX.

An Act to amend an act entitled "an act to incorporate the town of Lynnville, in the county of Giles.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the boundaries of the town of Lynnville, incorporated by an act of the General Assembly, passed January 22d, 1838, shall be as follows: Beginning at the north-west end of a rock dam or wall on the middle prong of Lynn creek, about fifty yards from the north-west corner of Franklin T. McCaurine's lot on which he now resides, and running south with the meanders of said creek to town spring, near the west bank of said creek, including said spring, thence down said creek to the first public road, thence east with said road and across the Columbia, Pulaski, Elkton and Alabama Turnpike road to the east branch of Lynn creek, thence north with the meanders of said creek to the south boundary of Robert H. Laird's tract of land, on which he lives, to the mouth of a lane or street, thence south with said lane including it, to the south-east corner of Mrs. Mary W. Kite's lot on which she resides, and thence north with her line eighteen rods to a stone on Laird's line, thence west crossing said turnpike road with said Laird's line to the beginning.

SEC. 2. That said act be so amended as to authorize the town Constable of the district to hold an election for Mayor and Aldermen on the second Saturday of January, in each and every year.

Election for
Mayor and Aldermen—when
held.

F. BUCHANAN,

Speaker of the House of Representatives.

J. M. ANDERSON,

Speaker of the Senate.

Passed, February 5, 1848.

CHAPTER CL.

An Act to incorporate the McMinnville and Chattanooga Turnpike Company.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the subscribers for stock as hereinafter provided, and their successors are hereby incorporated by the name and style of the McMinnville and Chattanooga Turnpike Company, and by that name are constituted a body politic and corporate, with succession for ninety-nine years, and are vested with all necessary corporate powers, for constructing, keeping in repair, and using a Turnpike road from a point in Warren county at the foot of Cumberland Mountain, near the head of Collins' River, at a place called the peak, thence crossing the mountain in the direction to Chattanooga, to the eastern base of the mountain near Ephraim Thurman's; the capital stock shall be three hundred shares at ten dollars each, and may at the discretion of the company be increased to four hundred shares, and William C. Smart, William White, Alexander Black, Thomas Brown, and William Duggan are appointed a board of commissioners to receive subscriptions for the same; and in taking subscriptions, the board of commissioners shall allow to such persons as have already contributed to the construction of the road, one share for every ten dollars paid, and when the capital stock of three hundred shares shall have been subscribed, the board of commissioners shall call a meeting of the stockholders, who shall elect five directors to manage the affairs of the company; the directors shall serve two years, and until their successors are elected, and shall appoint one of their own body President, and may fill all vacancies which may happen in their board by resignation or otherwise, until a regular election, of which they shall give public notice twenty days before the election; the board of directors may from time to time, require such advances on the shares subscribed as the wants of the company may require, and a failure to pay any call made, shall operate as a forfeiture of the shares upon which the default takes place, but the directors may at their election waive the forfeiture and sue for and recover the call from the defaulting stockholder; each share shall entitle a stockholder to one vote, and stockholders may vote in person or by proxy. The President and Directors shall once a year declare dividends on stock when the condition of the affairs of the company will permit, and shall make to the stockholders a full report of their proceedings, or shall otherwise

Incorporation-

Commissioners

Election of officers.

Dividends.

render an account to them as may be directed by a law of the company.

Description of road. Sec. 2. Said road shall be opened at least twenty feet wide, with sixteen feet in the centre clear of stumps, trees and other obstructions, and when necessary shall be causewayed, in a safe and substantial manner, at least twelve feet wide, and good and substantial bridges of the same width at least, shall be built over all streams requiring bridges on said road, and on the east and west sides of the mountain it shall in no part have a greater ascent than one foot in a distance of ten feet, and on the top of the mountain not more than fifteen inches in a distance of ten feet, or such rise not exceeding eighteen inches in ten feet, as the commissioners may allow.

One year allowed for completion. Sec. 3. If the road is not completed in one year from the passage of this act, this charter shall be forfeited.

Commissioners and erection of gates. Sec. 4. As soon as the company shall complete the road, they may notify Jacob Woodyly, George Elter and John Burnet, who are hereby appointed commissioners to examine the same, and if they find it completed and in order as required by this act, they or a majority of them shall give the company a certificate to that effect, whereupon the company shall have the right to erect a toll gate, on any part of the road, and exact the rates of toll hereinafter prescribed, or they may in their discretion erect two gates, at each of which they may charge half toll.

Penalty for not keeping in repair. Sec. 5. If the company fail to keep the road in repair, at any time for the space of twenty days, upon information thereof to any Justice of the Peace of the county, he shall issue a warrant to some constable, commanding him to summon three freeholders, to meet at a certain time and place therein specified, five days notice having been given to the keeper of the toll gate, or the President of the company, and if by said freeholders, or any two of them in the presence of the Justice of the Peace, the road shall be found out of repair, and not in the order required by this act, the toll hereby granted, shall cease to be exacted until the defective part of the road shall be put in repair.

Rates of toll. Sec. 6. The rate of toll to be taken shall be as follows: for each wagon and six horse team eighty cents; each wagon and four horse team forty cents; each four wheel pleasure carriage drawn by two or more horses, sixty cents; each pleasure carriage drawn by one horse, forty cents; each cart and driver, thirty cents; each deerborne, carryall, or jersey wagon, thirty cents; each man and horse, ten cents; each led or loose horse, or horse in

a drove, five cents; each head of neat cattle, two and a half cents; each head of hogs and sheep, one cent.

SEC. 7. Should any person refuse to pay the toll hereby granted, at the time of offering to pass the gate, or should go around within half a mile of the gate, to avoid the same, or should pass forcibly without payment of toll, the toll gatherer may by warrant in the name of the company, before any Justice of the Peace, recover from the person so refusing, going around, or forcibly passing, five dollars for each offence. Penalty for avoiding toll.

SEC. 8. Another company to consist of the subscribers to the stock thereof, is hereby incorporated, by the name of the Marion and Hamilton Turnpike Company, Marion and Hamilton turnpike company incorporated. for the purpose of constructing and using a Turnpike road from the Western base of Walden's Ridge in Marion county near the residence of Josiah M. Anderson; thence across said ridge in the direction of Chattanooga, to the eastern base thereof, near John Foust's, which company shall, in relation to this road, have and enjoy all the rights, powers, privileges, tolls and immunities, and subject to all the liabilities and restrictions, so far as the same are applicable, which are given to and imposed upon the McMinnville and Chattanooga Turnpike Company, by the foregoing sections of this act.

SEC. 9. The capital stock of the Marion and Hamilton Turnpike Company, shall be three thousand dollars, Capital stock. divided into shares of ten dollars each, and Burrell L. Burnett, William Barker, Samuel Williams, Benjamin Ford, and John P. Long, are hereby appointed commissioners, who, or a majority of whom shall receive subscription of stock in said company, at such time and in such manner as they may deem most expedient for the interest of the company, and shall allow to such persons as have contributed to the construction of the road, one share for every ten dollars so contributed, and when contributions have been or may hereafter be made in work, the said board of commissioners, shall fix the value thereof, and give certificates of stock accordingly; after the company shall be organized the directors may if they deem it necessary, increase the capital stock to any amount not exceeding four thousand dollars.

SEC. 10. Milo Smith, Allen Kirklin, and James Simmerman, are hereby appointed, reviewing and receiving commissioners on said Turnpike road, who shall perform on this road the duties prescribed for the commissioners of the McMinnville and Chattanooga Turnpike Company, in relation to that work. Commissioners

SEC. 11. The further time of two years, from the pas-

Higginbottom and Rankin's turnpike. sage of this act, is hereby given to Aaron Higginbottom and David Rankin, to straighten, alter and put in good

repair, their turnpike road across the Cumberland mountain, from the eastern base of said mountain, near Jasper, to the western base of the same in the direction of Pelham, in Grundy county, and which they are hereby authorized to change or alter, so as to straighten it, or place it on more favorable ground; and they having relinquished to the State their interest to that branch of their road, from the foot of the mountain, in direction of McMinnville, they are hereby released from all obligation to keep up that branch of their said turnpike road, and that the charter for said road, be extended to them for the term of thirty years from the passage of this act.

Commissioners SEC. 12. Benjamin Wooton, Jackson Pryor, and Joseph P. Kelly, are hereby appointed commissioners on said road, who shall take the same oath as prescribed in the charter, whose duty it shall be to examine said road, when notified the same is completed; to receive the same, if completed agreeable to the charter, and license said proprietors to keep a gate on the same at some suitable place on said road. And at any time, if said road or any part thereof shall remain out of order for fifteen days, said commissioners shall set open said gate until the same is put in good repair. And it shall be the duty of the county court of Marion county to fill any vacancy that may occur of said commissioners.

Turnpike road in Warren Co. SEC. 13. *Be it enacted*, That the proprietor or proprietors of the turnpike road across Cumberland mountain, chartered by an act, passed 17th February, 1836, entitled "an act to incorporate and charter a turnpike company in Warren county," are hereby authorized to erect two toll gates on said road, and receive at each one-half the toll authorized by said act to be received at one gate.

Spencer and Chattanooga Turnpike Co. SEC. 14. *Be it further enacted*, That John Gillentine, Daniel Walling, Jonathan Simmons, and Nicholas Gillentine, and their successors, are hereby constituted a body politic and corporate, by the name of the Spencer and Chattanooga Turnpike Company, and by that name, may sue and be sued, plead and be impleaded, answer and be answered unto, in any court of law or equity in this State. And said company are hereby authorized and empowered to open and construct a turnpike road from the town of Spencer, in the county of Van Buren, crossing the Cumberland mountain in the direction of Chattanooga, to terminate at the eastern base of said mountain, or to intersect the McMinnville and Chattanooga turnpike road, on the top of Cum-

berland mountain. Said company shall be allowed the term of two years to complete said road, and shall have succession for the term of thirty years, from and after the passage of this act; and the said Spencer and Chattanooga Turnpike Company shall have and enjoy all the rights, powers, privileges, immunities and rates of toll, and be subject to all the liabilities, and restrictions, so far as the same are applicable, which are given, and imposed upon the McMinnville and Chattanooga Turnpike Company, by the foregoing sections of this act.

SEC. 15. *Be it enacted*, That William B. Cummings, Commissioners and W. B. Huddleston, are hereby appointed commissioners to view and receive said road; who shall perform, on said road, the duties prescribed, and receive the compensation allowed the commissioners of the McMinnville and Chattanooga Turnpike Company in relation to that work.

SEC. 16. *Be it enacted by the General Assembly of the State of Tennessee*, That the charter of incorporation for the Memphis and Charleston Rail Road Company, passed at the last session of the General Assembly, be and the same is hereby renewed, and further time allowed to open books and take stock in the same. Memphis and
Charleston R.
R. Company.

SEC. 17. *Be it enacted*, That the commissioners named in said charter, or H. H. Means, Walter Goodman, W. F. Mason, A. M. Clayton, or any other persons who may associate themselves to carry into effect the objects of the charter, may at such times and places, as they may designate, open books to take stock in the said corporation, for the completion of said road, or any portion thereof, not less than thirty-five miles; and the said commissioners may reduce the amount of stock, authorized to be subscribed, to three hundred thousand dollars, which may again be increased at pleasure by the consent of a majority of the stockholders. Stock may be
increased.

SEC. 18. *Be it enacted*, That the said company, when formed, are hereby authorized to construct a branch of the said road to Holly Springs, or any point on the Mississippi line the said company may designate, after purchasing the Memphis and LaGrange Rail Road tract, upon the terms hereinafter provided, thirty-five miles. May make a
branch to Hol-
ly Springs.

SEC. 19. *Be it enacted*, That the time for the completion of the said road, contemplated in the Memphis and Charleston Rail Road charter, be extended to fifteen years; and the said company is hereby authorized to purchase any portion of the tract of the Memphis and LaGrange Rail Road Company, or the right of way on the same, upon the terms set forth in the charter of renewal by this act. Time extended

SEC. 20. *Be it enacted*, That the LaGrange and Memphis Rail Road Company may have six years further time to complete the said road, in the event the same is not sold or transferred to the Memphis and Charleston Rail Road Company, as herein provided.

Lagado turnpike company. SEC. 21. *Be it enacted*, That Joseph Wood, James Tipton, John O. Cage, William Lillard, Robert Crittenden, Turner Vaughan, James H. Davis, Allen Ross, and Price Curd, be, and they are hereby appointed commissioners, a majority of whom shall designate and mark out a turnpike road from Wood's ferry, in Wilson county, so as to intersect the Lebanon and Nashville turnpike road at such a point as they may deem most practicable and suitable.

Commissioners to open books. SEC. 22. *Be it enacted*, That said commissioners shall open books at Lagado and such other places as they may deem advisable, to receive subscription for shares in said road stock whenever they choose, the shares of which shall be twenty-five dollars, and the capital stock not exceeding twenty thousand dollars.

Election of President and Directors. SEC. 23. *Be it enacted*, That when two thousand dollars shall be subscribed, the stockholders may appoint a President and Directors, and they are hereby constituted a body politic, with the right to sue and be sued, to plead and be impleaded, by the name and style of the Lagado Turnpike Company, and the President and Directors may commence said turnpike road as soon as they are organized as hereinafter provided, and may put up one gate at such a point as they may choose.

Style of road. SEC. 24. *Be it enacted*, That said company shall make said road on the same plan of the Nashville and Lebanon turnpike road, and be governed by the same rules, regulations, restrictions and liabilities, except, gravel or MacAdamized stone shall be laid on said road fifteen feet wide.

F. BUCHANAN,

Speaker of the House of Representatives.

J. M. ANDERSON,

Speaker of the Senate.

Passed, February 4, 1848.

CHAPTER CLI.

An Act to amend an act entitled an act to authorize the relinquishment or sale of the upper Red River Bridge, and Bridge site on behalf of the State to the corporation of the town of Clarksville, passed November 16th, 1847.

Be it enacted by the General Assembly of the State of Tennessee, That the act entitled an act to authorize the relinquishment or sale of the upper Red River Bridge and Bridge site on behalf of the State to the corporation of the town of Clarksville, passed November 16th, 1847, chapter 5, be and the same is hereby amended so as to authorize such sale or relinquishment as therein specified and directed by the commissioners or directors on behalf of the State.

F. BUCHANAN,

Speaker of the House of Representatives.

J. M. ANDERSON,

Speaker of the Senate.

Passed, February 3, 1848.

CHAPTER CLII.

An Act to lay off and establish an additional Civil District in the county of Marion.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the County Court of Marion county shall have power to lay off one or more additional Civil Districts on the Cumberland mountain, in Marion county.

SEC. 2. *Be it further enacted,* That the third Civil District, of Hickman county, be divided, making Duck river the dividing line; and that all of said district, lying on the south side of said river shall be No. 3, and all lying on the north of said river, shall constitute a district, and its No. be 13; and that the election ground be at the house of John Bibb, in the 13th district, and in the third at the same place as heretofore. District in Hickman county, divided.

SEC. 3. *Be it enacted,* That the place of holding the election heretofore in district No. 16, in Sumner county, be removed from the house of William Holdey to Daniel Perdue's school house in said district. Dis. 16 in Sumner co. election ground changed.

SEC. 4. *Be it enacted,* That it shall and may be lawful for the county court of Cocke county, at its April or July term, to appoint seven commissioners to lay off an addi- District in Cocke county

tional Civil District; on the head waters of Cosby's creek, in said county.

Commissioners duty. SEC. 5. *Be it enacted*, That such commissioners, so to be appointed, or a majority of them, after being duly sworn, to do right and justice to the citizens in the premises, shall lay off said additional district by dividing the 10th civil district, and if it should be, by said commissioners, considered right and just, they may add to either division of said 10th district, fractional parts of districts No. 1, 8 and 9, or of either; and when said commissioners shall have laid off said district, it shall be their duty to make return to some quarterly term of said county court, plainly showing and setting forth the bounds of said district, and of such other districts as may be altered by said division.

Rutherford and Coffee co.—line between. SEC. 6. *Be it enacted*, That the county surveyor of Rutherford and Coffee counties, be, and they are hereby appointed to examine the line between the counties, and if the line is not marked and established, as the act of assembly directs, then they shall mark and establish the same according to the provisions heretofore ordered and directed, and the county courts of the respective counties shall pay them for the same.

F. BUCHANAN,

Speaker of the House of Representatives.

J. M. ANDERSON,

Speaker of the Senate.

Passed, February 5, 1848.

CHAPTER CLIII.

An Act to authorize and legalize the building and construction of fish traps and dams in the Little Pigeon river, in Sevier county, in certain cases.

Be it enacted by the General Assembly of the State of Tennessee, That hereafter it shall and may be lawful for any person or persons to build, construct and erect fish traps in the Little Pigeon river, in the county of Sevier. *Provided*, The descent of boats, down said river, is not thereby obstructed.

F. BUCHANAN,

Speaker of the House of Representatives.

J. M. ANDERSON,

Speaker of the Senate.

Passed, February 3, 1848.

CHAPTER CLIV.

An Act to incorporate Pleasant Grove Female Academy, in Maury County,
and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That Jonathan S. Hunt, Nathaniel H. T. Moore, Green W. Kerr, Martin M. Lane, and William J. Howard, be, and they are hereby constituted a body corporate and politic, by the name of the Trustees of the Pleasant Grove Female Academy, and shall have continued succession and be capable in law, or otherwise, to purchase, receive, and hold to themselves and successors, any lands, tenements, goods or chattels, which may be given, granted or devised to them, or purchased for the use and benefit of said Academy; and to appropriate, use and dispose of the same in such manner, as to them may seem fit and proper, for the use and benefit of said Academy aforesaid. And the said trustees and their successors, by the name aforesaid, may sue and be sued, plead and be impleaded, in any court of law or equity in this State, or elsewhere. Incorporation.

SEC. 2. *Be it enacted,* That the trustees aforesaid, and their successors, shall have power to hold such meetings, at such times and places as they may think proper, to elect one of their number President, and a Secretary and Treasurer of said board, and to fill vacancies that may happen by death, resignation or otherwise; but not less than a majority of said trustees shall constitute a quorum to do business relating to the interest of said Academy. Election of officers.

SEC. 3. *Be it enacted,* That said board of trustees shall have power to make such regulations relative to said Academy and the government thereof, and their own proceedings, as a majority of said board may deem right and proper, provided they are not inconsistent with the constitution and laws of the State of Tennessee. *And provided further,* That they shall not have the power to sell said Academy, or the land on which it stands, or in any way to interfere with the privileges of the house to be used as a church, in the way and manner agreed upon in the original contract, for the erection of said church and female academy. Power of Board.

SEC. 4. That the further time of five years be given to the "Duck River Slack-water Navigation Company," for the completion of said work; and that the third section of an act, entitled "an act to amend an act," entitled "an act to incorporate the Duck River Slack-water Navigation Company," passed January 15th, 1846, be, Duck River slack-water navigation company.

and the same is hereby repealed; and that James Akin be appointed a commissioner in addition to those already appointed.

New Providence incorporated.

SEC. 5. *Be it enacted*, That the town of New Providence, in the county of Montgomery, and the inhabitants thereof, are hereby incorporated in the within described limits, viz: Beginning at a school house on the lands of Mr. Atkinson, and running in a north westwardly direction to the Wheatly's mill road, so as to include the lands of W. H. Woodward and Jesse Johnson, on the Clarksville and Hopkinsville road; thence in a direct line to Cumberland river, intersecting said river at or near the Planters' Ware-house, and including said ware-house; thence up the river to the corporation line of True's landing; thence with said corporation line to Atkinson's line; thence with Atkinson's line to the beginning, under all the regulations and privileges conferred upon the town of Springfield, in Robertson county, by virtue of an act, passed 22d December, 1845, chapter 30, entitled "an act to incorporate the town of Springfield," &c.

County Academy of Hardin divided.

SEC. 6. That James Scott, W. H. Cherry, James Irwin, and A. M. Hardin, be, and they are constituted trustees of a female branch of the county academy of Hardin county; who shall establish the same, at such point, in or near the town of Savannah, as they may deem most proper. And for the support of said female branch, they may have and receive one-half of the academy fund, annually paid by the State for the support of said academy; and that said female branch shall be governed by such rules and regulations as said trustees, and their successors may, from time to time, make, not inconsistent with the charter of said academy or the law of the land.

F. BUCHANAN,

Speaker of the House of Representatives.

J. M. ANDERSON,

Speaker of the Senate.

Passed, February 4, 1848.

CHAPTER CLV.

An Act to amend the Charter of the Lebanon and Sparta Turnpike Company.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the Charter of the Lebanon and Sparta Turnpike Company, be so amended that the said road may not be less than twenty feet, instead of thirty feet wide, as required by the original charter, between the Bluff and Smith's Fork, on the twenty-fifth mile between the residence of Henry Fite and James Allen, west of Liberty, and also on Snow's Hill between the thirtieth mile, and the terminus of said road; and the provisions of this act shall have the same effect, as if it had been inserted in the original charter.

SEC. 2. *Be it further enacted,* That from and after the passage of this act, four members of the board of directors of said company shall constitute a quorum sufficient to transact any business of said company. Quorum.

SEC. 3. *Be it enacted,* That the next meeting and all subsequent meetings of the stockholders, for the purpose of electing a board of directors for said company, shall be on the first Thursday in March, instead of the first Saturday in July, as required in the original charter; and that said stockholders, shall elect three directors instead of seven, as required in the original charter, and the same number on the part of the State. Election of Directors.

SEC. 4. *Be it enacted,* That the aforesaid board of directors, shall have power to change the location of any of the gates on said road; *Provided,* That no two gates shall be nearer than three miles of each other, nor shall the whole number of gates exceed the number allowed in the original charter, and the stock in said road shall be regarded as personal property; and to locate the Lebanon and Sparta Turnpike road in the town of Liberty in DeKalb county. Stock personal property.

SEC. 5. *Be it enacted,* That this act shall not become a part of the charter of said company, until a majority of the stockholders, voting as they do for directors, shall in writing, approve and adopt the same; which written adoption shall be copied upon the minutes of the board at some regular meeting; or a majority of all the directors may, by their written assent, to be copied on their minutes, and filed, adopt the same; in either event the amendments made by this act, to the charter of said company, shall constitute a part of said charter. Amendment to charter—when valid.

SEC. 6. *Be it enacted,* That there shall not be more than six gates on said road of thirty-two miles, and that Gates.

no gate shall be put nearer than a half mile of the town of Liberty in DeKalb county.

SEC. 7. *Be it enacted,* That James M. King, Thos. O. Butler, John Ransom Esq., Lewis Garner Esq. Wm. B. Lillard, Wm. Jackson, Esq., Elias King, B. W. Henry, and Vincent Taylor, be and they are hereby appointed commissioners to open books, at such times and places as they may choose, for the subscription of stock, to be used in constructing a McAdamized Turnpike road, from or near the town of Murfreesboro to Versailles in Rutherford county, or as near thereto as the stock subscribed may justify. Said road may in the discretion of the commissioners elected by the stockholders commence at Murfreesboro, or, at any point on the Shelbyville Turnpike road, not more than one mile from Murfreesboro.

SEC. 8. The capital stock of the above company shall be thirty thousand dollars, divided into shares of twenty-five dollars each.

SEC. 9. That so soon as ten thousand dollars of stock shall be subscribed, any three or more of the commissioners, shall call a meeting of the stockholders in said company at Murfreesboro, by giving twenty days notice of the time and place of meeting, in a newspaper published therein, and at such meeting the subscribers for stock in said road, shall elect seven directors, one of whom shall be President, who shall hold their office for two years, and until their successors are elected.

SEC. 10. *Be it enacted,* That so soon as five miles of the road shall have been completed, the company may erect one gate at such place as they may think proper; and for every additional five miles of the road when completed an additional gate may be erected, the company may receive the same rates of toll, as are received by the Nashville, Murfreesboro, and Shelbyville Turnpike Company. The President and Directors shall be required to cause the road to be graded twenty-five feet wide, and within five degrees of a level, and covered with fine beaten stone, or gravel, eighteen feet wide, and nine inches deep, with ditches on each side.

F. BUCHANAN,

Speaker of the House of Representatives.

J. M. ANDERSON,

Speaker of the Senate.

Passed, February 1, 1848.

CHAPTER CLVI.

An Act to amend an act entitled "an act to charter the Newport Turnpike Road."

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That William C. Story, the proprietor of said road, shall have the further time of twelve months from and after the passage of this act, to finish and complete said road. Further time allowed.

SEC. 2. *Be it enacted*, That the proviso to the fourth section of the above recited act, be and the same is hereby repealed, except so far as regards persons going to and returning from Muster and Church. Repeal.

SEC. 3. *Be it further enacted*, That any person or persons, citizens of Cocke, Jefferson, or Sevier counties, may contract with said proprietor to do work and labor on said road or to pay its equivalent, for which such person or persons may pass the gate erected on said road free of toll, for a limited time, *Provided*, The proprietor shall agree thereto.

SEC. 4. *Be it enacted*, That any two of the commissioners named in said act, shall be competent to act, perform, and discharge all the duties required of the commissioners under the provisions of said act.

F. BUCHANAN,

Speaker of the House of Representatives.

J. M. ANDERSON,

Speaker of the Senate.

Passed, February 4, 1848.

CHAPTER CLVII.

An Act to amend an act entitled "an act to amend the laws now in force for the improvement of the navigation of the rivers in the Western District and for other purposes," passed on the 29th January, 1846.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Rezin S. Byrn of the county of Lauderdale, Spencer Payne of the county of Haywood, and William Hopper and Jesse P. Bruton of Madison county, be and they are hereby appointed commissioners to superintend the improvement of the navigation of the Forked Deer river. Commissioners of Forked Deer river.

SEC. 2. *Be it enacted*, That any five of the commissioners for the Forked Deer river, shall constitute a Quorum

quorum for the transaction of business; if any one or more of said commissioners shall refuse to serve, die or resign, their places shall not be filled, as heretofore, by the County Courts, so long as five remain in the board; *Provided*, Dyer county shall always have one commissioner.

SEC. 3. Said commissioners shall examine the lock made by Solomon Shaw, on the north fork of Forked Deer river, and if they shall be of the opinion that said lock will answer the purpose for which it was constructed, by safely admitting the passage of boats; it shall be their duty to make an allowance to said Shaw, not exceeding two hundred dollars, to be paid in the manner hereinafter prescribed.

SEC. 4. It shall be the duty of said commissioners to furnish in writing each mill owner, whose mill may be upon said river or upon any slough or race, making out of the same, with the description of such lock, as he shall be required to erect and keep up for his mill, which description shall be recorded by the secretary of said board; and it shall not be lawful for any person or persons to attempt to pass through any of said locks with any boat or raft, unless the same be one foot less in width and ten feet in length than the lock, under a penalty of all damages said lock may sustain; and the record of said board shall be sufficient evidence of the size of any lock, in any court of justice in any action for damages.

SEC. 5. If any person or persons owning any mill on said river, after having been furnished as before required, with the dimensions of his, her or their lock for the space of eight month, shall have willfully neglected or refuse to complete the same; it shall be the duty of said commissioners to report such person or persons to the Circuit Court of the county in which said mill is; and if it should be made appear to the satisfaction of the court, that the commissioners have complied with the requisitions of this act, said court shall direct the attorney general for the district and county, to file a bill of indictment against such delinquent mill owner or owners, which may be tried at the session of said court, at which said indictment is filed. And should said mill owner or owners be convicted of a violation of the provisions of this act, it shall be the duty of said court to order the removal of the dam or other obstructions at the expense of the owner; *Provided*, however, said commissioners shall not be bound to report any person who may have his, her or their lock in progress and have been

prevented from completing the same, by high water, sickness or any other unavoidable cause.

Sec. 6. It shall be the duty of the respective boards of river commissioners in the Western District, after having examined and received the locks built by mill owners, provided for in this act, to draw an order in favor of such mill owner, for an amount not exceeding two hundred dollars, on the nearest branch of the State Bank, which order shall be paid by such Branch Bank, and charge to the river on which such lock has been constructed; such payment shall be made out of the fund heretofore appropriated to said rivers in the Western District, and shall not be made out of any other fund whatever. Mill owners,
how paid.

Sec. 7. The head of navigation on the south fork of the Forked Deer river shall be at Mount Pinson Bridge in Madison county, and all laws conflicting with this section, are hereby repealed. Mt. Pinson the
head of naviga-
tion.

Sec. 8. This act shall apply to all mills now built on the Forked Deer river, and be in force from and after its passage.

Sec. 9. *Be it enacted*, That the board of commissioners of the river fund for the Western District, shall make out a report containing, first, the rivers upon which the fund has been expended, and the amount expended upon each river; secondly, the names of the commissioners who have had the control of the fund from time to time, since the appropriation was made, and the amount which has been paid to each commissioner; which report the board shall cause to be published in the "West Tennessee Whig" at Jackson, on or before the first day of April next, and the expense of publishing the same shall be paid out of the fund appropriated for the improvement of the rivers in the Western District. Commissioners
to report.

F. BUCHANAN,

Speaker of the House of Representatives.

J. M. ANDERSON,

Speaker of the Senate.

Passed, February 5, 1848.

CHAPTER CLVIII.

An Act to incorporate the Mulberry Male Academy, in Lincoln county.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That Bradley Kimbrough, Joseph Whitaker, William H. Bright, John J. Whitaker; Robert Martin, Robert N. Whitaker, and William Moore, be, and they are hereby constituted a body corporate and politic, by the name of "the Trustees of the Mulberry Male Academy," and shall have perpetual succession, and be capable in law, or otherwise, to purchase, receive, and hold, to themselves and their successors, any lands, tenements, goods or chattels, which may be given, granted or devised to them, or purchased for the use and benefit of said academy, and to appropriate, use and dispose of the same, in such manner as to them may seem fit and proper, for the use and benefit of said academy aforesaid; and the said trustees, and their successors, by the name aforesaid, may sue and be sued, plead and be impleaded, in any court of law or equity in this State, or elsewhere.

SEC. 2. *Be it enacted,* That the trustees aforesaid, and their successors, shall have power to hold such meetings, at such times and places as they may think proper, to elect one of their number President; and Secretary and Treasurer of said board, and to fill vacancies that may happen by death, resignation or otherwise; but not less than a majority of said trustees shall constitute a quorum to do business relating to the interest of said academy.

SEC. 3. *Be it enacted,* That said board of trustees shall have such power to make such regulations, relative to said academy and the government thereof, and their own proceedings, as a majority of said board may deem right and proper, provided they are not inconsistent with the constitution and laws of Tennessee.

F. BUCHANAN,

Speaker of the House of Representatives.

J. M. ANDERSON,

Speaker of the Senate.

Passed, February 3, 1848.

CHAPTER CLIX.

An Act to incorporate the Shelbyville and Skull Camp Ford Turnpike and Bridge Company.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That Joseph Hastings, Robert Commissioners Cannon, Thomas C. Ryall, Alfred Campbell, Sterling Newson, be constituted a board of commissioners for the purpose and with the powers hereinafter named.

SEC. 2. It shall be the duty of said commissioners to To open books. open books within thirty days after the passage of this act, for stock in a turnpike road leading from Shelbyville, and commencing at the end of McAdamised street, near Thomas C. Whitesides, thence to the Scull Camp Ford, and for a bridge across the river at that point.

SEC. 3. The subscribers of said stock shall constitute a company, which is hereby declared to be a body politic and corporate, under the style and name of the Shelbyville and Scull Camp Ford road and bridge company, and in that name may sue and be sued, plead and be impleaded, have and use a common seal, and have, possess and enjoy personal, mixed and real estate, and dispose of the same for the benefit of said company. Incorporation.

SEC. 4. Said commissioners shall elect one of their number President of said company, and that the affairs of the same shall be managed by said commissioners until the sum of four thousand dollars are subscribed, when the President giving ten days notice thereof, an election of six directors to serve for one year and until their successors are elected, shall be held by said stockholders, the directors to be chosen from among the stockholders, and said directors shall elect a President, Secretary and Treasurer for said company. Election of officers.

SEC. 5. The capital stock of said company shall be six thousand dollars which may be increased to eight thousand, and that the shares shall be twenty-five dollars each, and that in the election of directors as provided, each share shall entitle the owner thereof to one vote. Capital stock.

SEC. 6. Said road shall be constructed on the same plan and in the manner of the Nashville, Murfreesboro, and Shelbyville turnpike road, and that said bridge shall be built in a strong substantial manner as near as practicable to the present ford of the river. Style of road.

SEC. 7. After said road and bridge are completed, said company may erect and keep up a toll gate to be located within two hundred yards of the west bank of the river, and shall be entitled to the same rights and priv- Toll gates.

ileges in all respects in regard to tolls and the control and rate thereof, that the Nashville, Murfreesboro and Shelbyville turnpike company are entitled to.

Time for completion. SEC. 8. Said road shall be commenced as aforesaid and finished with the erection of said bridge, within five years after the passage of this act, or the same shall be void.

Penalty for being of repair. SEC. 9. It shall be the duty of said company to keep said road and bridge in good repair, under the penalty of a deprivation of tolls so long as the same remain out of repair; *provided*, that the Scull Camp Ford and old road be not obstructed by the road and bridge herein authorized to be built.

Calls. SEC. 10. So soon as one fifth of said road and bridge is completed according to an estimate of the whole cost of the same, to be made by said directors, they shall call five dollars a share upon said stock, and in the same proportion, the same amount until the work is completed.

Lawrenceburg Turnpike Co. SEC. 11. That Daniel Bentley, William McKnight, Jr., and John H. Beeler, of Lawrence county, and Anthony Buckner, Henry Miller, and John Gant, of Maury county, be, and they are hereby appointed commissioners to open books for the subscription of stock to make a turnpike road from Lawrenceburg, to intersect the turnpike road from Columbia to Waynesboro', at such point, between the last named town and Mount Pleasant, as the stockholders may direct. Such subscription may be made in money, materials, or labor to be done on said road; and the value of materials and labor, furnished and performed, shall be valued at their cash value, by disinterested persons, appointed by the parties concerned, and such value shall be deemed as so much stock in said company. If the whole extent of said road is not taken in labor and materials, the residue may be let out for construction to the lowest bidder, at public or private letting, by directors, elected by the stockholders, or other authorized agent or agents.

Incorporation. SEC. 12. Whenever a sum sufficient to build said road shall be, in the opinion of said commissioners, subscribed, they shall call a meeting of the stockholders, at Lawrenceburg, who shall proceed to organize the company, by electing seven directors, who shall elect a president of their board, and appoint a secretary, who shall also act as treasurer; and the subscribers for said stock, and their assignees, shall be a body corporate, and shall have succession by the name of the Lawrenceburg Turnpike Company, and by that name may own, buy or sell property, sue and be sued, plead and be impleaded, and have and enjoy, and be subject to all the rights and

remedies under the law of the land, and the provisions of this act.

Sec. 13. Said road shall be laid out in a right line, graded twenty feet wide, with cuts and fills, so as to form a plane not more than four degrees of inclination from the horizon, the streams substantially bridged, and suitable culverts made wherever needed, and to be metalled with stone or good gravel twelve inches thick, and fifteen feet wide. The first mile of said road shall begin at Lawrenceburg, and the other parts constructed shall proceed in a direction from said town to its junction with the road to be intersected. Description of road.

Sec. 14. The directors of the Lawrenceburg turnpike shall be regulated by the same rules, and have the same powers as the directors of the Shelbyville and Still Camp Ford Turnpike Bridge Company herein incorporated, and the rules for subscribing for, and valuing stock, shall be the same as are directed in the charter for the Long-hollow Turnpike Company, and all the provisions and restrictions enacted for the government of the Long-hollow company, shall apply to the Lawrenceburg company, so far as applicable. Powers of Company.

Sec. 15. The Lawrenceburg company, aforesaid, shall have power, under the same powers and restrictions, to extend their said road from Lawrenceburg to Pulaski, in Giles county. Road may extend to Pulaski

F. BUCHANAN,

Speaker of the House of Representatives.

J. M. ANDERSON,

Speaker of the Senate.

Passed, February 5, 1848.

CHAPTER CLX.

An Act to incorporate the Chapel Hill Male and Female Academy in the county of Humphreys.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That James H. Martin, Wm. C. Young, T. C. Brevard, Hiram Box and William McElwain of the county of Humphreys, be and they are hereby constituted a body politic and corporate by the name and style of the trustees of Chapel Hill Male and Female Academy, and shall have succession for ninety- Incorporation.

nine years, and shall be capable in law or equity to purchase, receive and hold to themselves and their successors, any lands, goods or chattels which shall be given, granted or devised to them, or purchased by them, for the use and benefit of said academy; and to appropriate, use and dispose of the same in such manner as to them may seem fit and proper, for the use and benefit of the academy aforesaid; and the said trustees and their successors by the name aforesaid, may sue and be sued, plead and be impleaded, in any court of law or equity in this State or elsewhere.

Election of Officers. SEC. 2. *Be it further enacted,* That the trustees aforesaid, and their successors, shall have power to hold meetings at said academy as may be agreed upon from time to time, by a majority of the board of trustees aforesaid, and to appoint a President, Secretary and Treasurer of said board, and to fill all vacancies that may happen by death, resignation or otherwise, until the vacancy shall be filled by the regular elections hereint provided for, but not less than three members of said board shall constitute a quorum to transact any business relating to the management, interest or government of said institution.

Powers of Board. SEC. 3. *Be it enacted,* That said board of trustees together with their Secretary and Treasurer, shall have power to make such by-laws, rules, and regulations relating to said academy and the government of the same, as a majority of said board may deem right and proper; *Provided,* They are not inconsistent with the constitution and laws of the United States, or of the State of Tennessee.

County Court to appoint trustees. SEC. 4. *Be it enacted,* That the County Court of Humphreys county shall on the first Monday in April, 1848, appoint trustees for said academy, who shall hold their offices as trustees under this act for two years, or until their successors are appointed, and the said County Court shall at their respective sittings in April every two years thereafter, appoint trustees as aforesaid for said Male and Female Academy.

F. BUCHANAN,

Speaker of the House of Representatives.

J. M. ANDERSON,

Speaker of the Senate.

Passed, February 4, 1848.

CHAPTER CLXI.

An Act to amend the Revenue Laws of this State.

Be it enacted by the General Assembly of the State of Tennessee.

SECTION 1. A yearly tax of one mill in the dollar shall be assessed upon the value of all lands, town lots, slaves, jewelry, pianos forte, pleasure carriages, gold and silver plate, watches, capital loaned or deposited at interest, turnpike gates or roads, and bridges, and stocks, except such of said property as may be exempt —from taxation. Twenty per cent—of all the revenue raised and collected under the provisions of this act, shall constitute a sinking fund, in addition to the sinking funds heretofore created by law, and shall be applied, first, to the repayment to the Bank of Tennessee of the sum of one hundred and twenty-five thousand dollars paid by said Bank, in the redemption of the bonds of the State issued for stock in the Union Bank, under the provisions of an act, passed at this session of the General Assembly—second, to the redemption of the bonds of the State now outstanding or that may hereafter be issued by authority of law.

Tax of one mill in the dollar.

How appropriated.

SEC. 2. The following property shall be exempt from taxation, viz:

What exempt from taxation.

Land held for any religious society, for the purpose of having thereon a church, meeting-house, or other building for public worship.

Land appropriated for the use of schools.

Land held in trust for the use of a College, Academy, or other seminary of education.

All court-houses, jails, poor-houses, alms-houses, and all the real and personal property belonging thereto,

All public roads, streets, alleys, promenades and walks in the different towns and grave-yards.

All slaves under twelve and over fifty years of age.

All jewelry kept by jewelers and merchants for sale.

All pianos forte, used in schools and academies.

All carryalls.

All silver tea and table spoons.

All stocks owned by the State, or by literary, religious, or charitable institutions.

All capital stock or property of all such incorporated companies as are exempt from taxation in their respective charters.

SEC. 3. The term land, as used in the first section,

Meaning of term land. includes, besides the land itself, all buildings thereon, and erections affixed thereto; all trees growing thereon, all water privileges, mines, minerals, quarries, and fossils, in and under the same.

Ungranted land or subject to taxation. Sec. 4. Land sold by the State, though not granted or conveyed, shall be assessed as if actually conveyed.

Merchants license. Sec. 5. Merchants shall not sell their goods without first taking from the clerk of the county court, for such establishment, a yearly license, for which they shall pay as follows:

Every wholesale merchant shall pay for his license, one cent in the dollar on the invoice cost at the place where purchased, of all his goods, except such as may be sold without license.

Every retail merchant shall pay for his license one cent in the dollar, on the invoice cost at the place where purchased, of all his goods, except such as may be sold without license.

Every commission merchant shall pay for his license, one cent in the dollar on the gross amount of all his sales, public and private, except on sales of goods, which may be sold without license.

What good sold without license. Sec. 6. Goods that may be sold without license are salt, iron, sugar, coffee, spun cotton, garden seeds, and articles manufactured in this State, *Provided*, Said articles shall not be exempt from taxation in the hands of any person who sets himself up as a merchant or grocer.

Term Merchant—what. Sec. 7. The term "merchant," as used in the above section, includes every person trading or dealing in Goods, Wares, Merchandize, Groceries, Jewelry, Drugs or Medicines, which may not be sold without license.

Pedlar's license. Sec. 8. Every pedlar shall take from the clerk of the county court of every county in which he travels and offers his goods for sale, a yearly license, for which he shall pay:

Twenty dollars if he travel on foot or on horseback.

Thirty dollars if he travel in a vehicle; and

Thirty dollars for each vehicle, if he uses more than one.

Privileges—how taxed. Sec. 9. A yearly specific tax shall be assessed upon privileges, as follows:

1. Upon the privilege of crying auction sales, twenty dollars.

2. Upon the privilege of doing business as a broker, two hundred dollars.

3. Upon the privilege of selling goods at a boat or other water craft, one hundred dollars.

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4. Upon the privilege of importing, or manufacturing, or selling playing cards, fifty cents on the deck.

5. Upon the privilege of discounting securities for money, or shaving notes, one cent on every dollar so employed.

6. Upon the privilege of granting policies of insurance by other than companies chartered by this State, a sum equal to the highest yearly bonus exacted from any company chartered by the State.

7. Upon the privilege of keeping a jack or stallion for the propagation of stock, the insurance price of one mare; and when a jack is kept for jennets principally, the insurance price of one jennet.

8. Upon the privilege of keeping a track for turf-racing, one hundred dollars.

9. Upon the privilege of exhibiting any show, feats of activity, slight of hand, or for any other exhibition for which money is taken, seventy-five dollars for each county in which the privilege is exercised; *Provided*, Nothing herein contained shall be construed to tax the privilege of delivering any popular lecture on, or exhibiting any specimen of the arts and sciences.

10. Upon the privilege of keeping a Confectionary, five per cent on the capital employed.

11. Upon the privilege of retailing spirituous liquors, twenty-five dollars on any sum under two hundred and fifty dollars employed in the business; and ten per cent. on every hundred dollars of capital so employed over two hundred and fifty dollars.

Sec. 10. The following specific taxes shall be levied on legal proceedings: Tax on legal proceedings.

1. On each suit in equity, three dollars and seventy-five cents, to be paid by the unsuccessful party.

2. On each suit in the circuit court, three dollars and fifty cents, to be paid by the unsuccessful party.

3. On each appeal, writ of error, or *certiorari* from the circuit court or chancery court, to the supreme court, three dollars, to be paid by the unsuccessful party.

4. On each appeal or writ of *certiorari* from before a justice of the peace, two dollars, to be paid by the unsuccessful party.

5. On each indictment or presentment, two dollars, to be paid by the party or person taxed with the cost.

6. On the registration of every grant or deed for land, one mill and a half, for every acre embraced therein.

7. On the registration of every deed for a town lot, or a part of a town lot, forty cents for each lot or part of lot conveyed in the deed.

Sec. 11. A yearly tax of fifteen cents a poll shall be

Poll tax. assessed on every white male inhabitant of the State, not exempt from taxation, between the ages of twenty-one and fifty years.

Sec. 12. Those exempt from the poll tax are persons wounded in the military service of the country, ministers of the gospel, and persons exempt by particular laws.

LICENSES—HOW OBTAINED.

When license shall issue. Sec. 13. An original wholesale or retail license shall be issued—

1. On condition that the applicant delivers to the clerk a sworn statement of the invoice cost of the goods about to be offered for sale at the establishment for which he demands a license—

2. On condition that he pays to the clerk the tax thereon, and his fee of one dollar for issuing the same.

3. On condition that he makes and delivers to the clerk a joint and several bond of himself and at least one good surety, in the penalty of one thousand dollars, payable to the State of Tennessee, conditioned that he will render to the clerk, at the end of twelve months from the date of his bond, a sworn statement of the invoice cost of all the goods which he or his assignee shall bring to said establishment for sale within the said twelve months, and that he will pay the clerk the tax upon such goods.

How license may be renewed. Sec. 14. At the end of the first twelve months, and of every twelve months thereafter, said license may be renewed—

1. On condition that the applicant or his assignee has complied with the terms of the aforesaid bond.

2. On condition that he gives a new bond of the like tenor for the ensuing twelve months; and pays the clerk's fees; but any goods remaining on hand and unsold shall be exempt from further taxation.

Sec. 15. Any Licenses issued under the existing law may be renewed upon the same terms.

Commission license—when issued. Sec. 16. An original commission license may be issued—

1. On condition that the applicant execute and deliver to the clerk a joint and several bond of himself and at least one good surety, in the penalty of fifteen hundred dollars, payable to the State of Tennessee, conditioned that he will render to the clerk, at the end of twelve months from the date of the bond, a sworn statement of the gross amount of all sales, whether private or at auction, made by him within the said twelve months, at the

establishment for which he demands the license, and that he will pay the tax thereon.

2. On condition that he pays the clerk's fee of one dollar.

Sec. 17. At the end of the first twelve months, the license may be renewed— How renewed.

1. On condition that the applicant has complied with the terms of said bond.

2. On condition that he renews his bond by giving one of like tenor for the ensuing twelve months and paying the clerk's fees.

Sec. 18. Any Licenses issued under the existing law may be renewed upon the same terms.

Sec. 19. A peddling license shall be issued on the applicant's paying to the clerk the specific tax laid Pedlar's license—when issued. thereon, and the clerk's fee.

Sec. 20. Licenses for exercising the privileges specified in the ninth section, except the privilege of retailing spirituous liquors, shall be granted on the applicant's paying the tax laid thereon, and the clerk's fee, except confectioners, who shall give bond and pay clerk's fees as required by retail merchants in this act. License for privileges—how granted.

Sec. 21. The License for retailing spirituous liquors shall be issued upon the terms prescribed in the laws upon the subject, and upon the further condition that the applicant takes an oath not to import or sell playing cards without license. License for retailing spirituous liquors.

Sec. 22. The clerk may administer to every applicant for license such oath as may be necessary to obtain the information requisite to enable him to demand the taxes herein laid. Clerk may administer oath.

REFUSAL TO TAKE LICENSE.

Sec. 23. If any person presume to sell goods, or exercise any privilege without obtaining the license above prescribed, the clerk shall issue to the sheriff or any constable of the county, a distress warrant, commanding him to levy the tax, costs and charges, by distraining and selling so much of the delinquent's goods and chattels as shall be sufficient for the purpose. Distress warrant may issue for selling without license.

Sec. 24. The officer to whose hands said warrant shall come, shall immediately proceed to execute the same, on pain of being held liable himself, on motion by the clerk in the circuit court, for the tax, costs and charges lost by his delay. Officer to execute immediately.

Sec. 25. The officer, having seized the goods and chattels of the delinquent, shall give ten days notice of the time and place of sale, which he shall make at the Ten days notice of sale to be given.

time specified, unless the owner, at or before the time of sale, produce the clerk's receipt for the tax, costs and charges; in which case, the officer shall redeliver the goods to the owner.

ASSESSMENT—HOW MADE.

Tax list—how made. Sec. 26. Each revenue commissioner, immediately after his appointment, shall prepare a blank assessment roll with seven separate columns:—

The first for the names, in alphabetical order, of all the taxable inhabitants in his civil district;

The second for the number of acres of land to be taxed to each person;

The third for the value of the land, according to the definition thereof given in the third section of this act;

The fourth for the value of the town lots to be taxed to each person;

The fifth for the number of slaves to be taxed to each person;

The sixth for the value of said slaves;

The seventh for the value of all other taxable personal estate of each person.

Commissioner to take sworn statement. Sec. 27. The revenue commissioner in each civil district in his county, shall upon diligent inquiry therein, aided by the last tax list, which the clerk shall deliver to him for the purpose, proceed to obtain from every taxable inhabitant in his district, a sworn statement in writing of all his taxables, which the revenue commissioner shall insert in the blank columns of his roll, with the true cash value thereof.

Commissioner how to value. Sec. 28. All real and personal estate liable to taxation shall be estimated by the revenue commissioner, at its full value, as he would appraise the same in payment of a just debt in cash, due from a solvent debtor.

Property of non-resident. Sec. 29. If the owner of any taxable property be unknown, or a non-resident, or unable to give in a list when called on by the revenue commissioner, he shall make a list thereof from the best information he can obtain.

Property held in trust—how returned. Sec. 30. When a person is listed as trustee, guardian, executor, or administrator, or in any fiduciary or representative character, the addition of such character shall be made to his name, and the property so held by him shall be entered on the list, in a separate line from his own property.

Slaves—how listed. Sec. 31. Slaves shall be listed in the name of the owner if an inhabitant of the county, whether in his possession or not; if the owner is not an inhabitant of the county, his slaves shall be listed in the name of the

person having them in possession at the time of the assessment.

SEC. 32. Every revenue commissioner shall complete his assessment against the tenth day of March every year, and immediately return the same to the clerk of the county court, who shall submit the same for twenty days thereafter, to the inspection of all persons who shall apply for the purpose. Assessment made by 10th of March.

SEC. 33. If any person, upon such inspection, conceive himself aggrieved, by the assessment the revenue commissioner shall, with the aid of two freeholders of the district, review the same, and if it appears to them from the statement of the party complaining, or upon evidence adduced by him, that the assessment is erroneous, the commissioner shall make and enter upon the roll the proper correction, subject to revision or appeal to the county court. Person aggrieved by assessment—how to proceed.

SEC. 34. If no objection be made to the assessment, or immediately after such objections as shall be made are disposed of, the commissioner shall sign the roll, and attach thereto an affidavit, signed by him, in the following form: "I do swear or affirm, that I have set down in the above assessment roll all the taxable property and polls within my district, according to the best of my knowledge and information; and that the said assessment roll contains a true statement of the aggregate amount of said taxable property of each and every person named therein, estimated according to the true cash value thereof, without favor or affection." So help me God. Commissioner to sign roll and make affidavit.

SEC. 35. All bonds given under the provisions of this act, or any other revenue law, shall be held to be good statutory bonds; *Provided*, said bonds are good common law bonds.

F. BUCHANAN,
Speaker of the House of Representatives.
J. M. ANDERSON,
Speaker of the Senate.

Passed, February 5, 1848.

CHAPTER CLXII.

An Act for the relief of the third Township, in the third Range, west of the meridian, in the Hiwassee District.

Be it enacted by the General Assembly of the State of Tennessee, That the Comptroller of the Treasury investigate the facts referred to in house Resolution No. 149, in relation to the sixteenth section, in the third range and third township, west of the meridian in the Hiwassee District, and in the event he shall find the facts, therein suggested, to be true, and that said township is entitled to the proceeds of the nearest section of land to the said sixteenth section, not covered by a reservation, which was fit for cultivation, for the use of schools in said township, that he issue his warrant upon the treasurer for so much as may be due, with lawful interest, said township in the premises, to the end, the same be paid into the Bank of Tennessee for the use of schools in said township.

F. BUCHANAN,

Speaker of the House of Representatives.

J. M. ANDERSON,

Speaker of the Senate.

Passed, February 3, 1848.

CHAPTER CLXIII.

An Act to incorporate the Springfield Female Academy, in the county of Robertson.

SECTION 1. *Be it enacted by the General Assembly of the*
Incorporation. *State of Tennessee,* That Joakim Green, Willis H. Farmer, Robert S. Hicks, Washington Lowe, Edward S. Cheatham, Thomas Minees, James E. Rice, and Wesley W. Pepper, be, and they are hereby constituted a body politic and corporate, by the name of "the Trustees of the Springfield Academy;" and by that name, shall have perpetual succession, and a common seal; and the said trustees and their successors, by the name aforesaid, shall be capable in law, to purchase, receive, and hold, to themselves and their successors forever, or for any less estate, any lands, tenements, goods, or chattels, which may be given, granted, or devised to them, or the institution, or purchased by them for the use of said Academy; and to use and dispose of the same, in such

manner as to them shall seem most advantageous for the use of said academy. And said trustees, and their successors, by the corporate name aforesaid, may sue and be sued, plead and be impleaded, in any court of law or equity in this State, or elsewhere.

SEC. 2. *Be it enacted*, That the trustees aforesaid, and their successors, shall have power to hold such meetings, at such times and places, as may be agreed upon, from time to time, by a majority of the board; to appoint a President of their own body, and a Secretary and Treasurer, either of their own body or not, as they may think most adviseable; and to fill all vacancies that may happen in said board, by death, resignation, removal, failure or refusal to act, or otherwise; but not less than three members shall constitute a quorum to transact any business relating to the interest, management, or government of said institution. Power of Board.

SEC. 3. *Be it enacted*, That it shall be the duty of the secretary of said board to keep a correct journal of all the meetings and official acts of said board; to note the absentees; and said board shall have power, a majority concurring and voting therefor, to declare vacant the seat of any member, who shall have failed to attend the meetings of the board for three successive meetings, and to proceed immediately to fill such vacancy. Vacancies.

SEC. 4. *Be it enacted*, That said board of trustees shall have power to make such by-laws, rules, and regulations, relating to said academy, and the government thereof, and the government of their own proceedings, as a majority of them may deem right and proper; *Provided*, They shall not be inconsistent with the laws and constitution of this State or of the United States.

F. BUCHANAN,

Speaker of the House of Representatives.

J. M. ANDERSON,

Speaker of the Senate.

Passed, February 2, 1848.

CHAPTER CLXIV.

An Act to incorporate the Franklin College and Stones River Turnpike Company.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the persons who may become stockholders pursuant to the provisions of this act, shall Incorporation.

be, and they are hereby constituted a body politic and corporate, by the name and style of the Franklin College and Stones River Turnpike Company, and by that name, may sue and be sued, plead and be impleaded, in any court of law or equity, in Tennessee, and shall have a corporate seal, and succession for ninety-nine years.

Commissioners to open books. SEC. 2. *Be it enacted*, That Dr. J. R. Wilson, E. H. East, Robert Buchanan, James M. Murrell, James Charlton, James Matlock, John W. Birdwell, Turner Perry and George W. McQuiddy, they or any five of them are hereby appointed commissioners to open books, to receive subscription for stock in said company, at such times and places, as they may deem most suitable, said books to be opened within three months from the passage of this act.

Capital stock. SEC. 3. *Be it enacted*, That the capital of said company may be sixty thousand dollars, which sum shall be divided into shares of fifty dollars each, to be applied to the making and keeping in repair a McAdamized turnpike road from the Nashville and Murfreesboro turnpike road, at or near the junction of the Chicken road with said turnpike road, about four miles from Nashville, passing Franklin College and running in the general direction of the Chicken road a distance of five miles, to terminate at or near Stones river.

When company organized. SEC. 4. *Be it enacted*, That when ten thousand dollars shall be subscribed, a meeting of the stockholders may be held in Nashville, of which twenty days notice shall be given in some newspaper published in Nashville; who may proceed to elect five directors, who shall be stockholders, three of whom may constitute a quorum to do business, to pass by-laws, and organize said company.

Election of Directors. SEC. 5. *Be it enacted*, That at the first meeting all the stockholders shall be constituted members of said corporation, and they shall elect the directors, and they may vote by shares, each share authorizing the holder to one vote, the directors shall elect one of their number President of said company, and another Secretary and Treasurer, and it shall be the duty of the directors to locate and have the said road constructed, and shall have the entire management of said road; they shall hold their office for one year and till others are elected in their place. The election for directors shall be held about the middle of December in each year, and it shall be the duty of the President of said company to give suitable notice of the time and place of holding the election, at least twenty days.

SEC. 6. *Be it enacted*, That for the purpose of making said road and keeping it in repair, the directors or their agents may cut, dig and quarry, and take from the lands of any person within one mile of said road, such and so much timber, rock, earth or gravel as may be necessary for said purposes, and if any person or persons from whose lands such materials may be taken, shall desire compensation therefor, he, she or they, may apply to any Justice of the Peace in the county, who shall appoint three disinterested freeholders, for the purpose of valuing such timber, stone or gravel, and they shall grant a certificate or certificates upon oath to the injured party or parties, and the amount or amounts may be collected before any tribunal having cognisance thereof.

Damages, how assessed.

SEC. 7. *Be it enacted*, That said road shall be opened at least twenty-five feet wide, with sufficient ditches on each side to carry off the water, and shall gradually descend from the middle to said ditches, and shall be substantially paved or graveled, and shall in all respects be equal to the best McAdamized roads of the country.

Description of road.

SEC. 8. *Be it enacted*, That when an undertaker or undertakers shall report to the president of the board, the completion of his or their contract, it shall be the duty of said president to call a meeting of the board of directors for the examination of said road, and if they are satisfied it is according to contract, it shall be their duty to receive it and give a certificate accordingly.

Road when received.

SEC. 9. *Be it enacted*, That when the whole five miles shall be completed, the directors may place one gate upon said road, at any point they may select, and no road shall be constructed in the vicinity of said road, so as to prevent or injure the traveling upon it.

When gate may be erected.

SEC. 10. *Be it enacted*, That should said road not be kept in good repair, for ten days in succession, it may be lawful for any person to apply to a justice of the peace in the vicinity of the road, informing him of the condition of the road, and it shall be the duty of the justice of the peace to appoint two freeholders to examine said road, and report upon oath; and if the road is not in proper condition, the justice shall direct the constable of the district to keep the gate open at the expense of the company until the road is repaired.

Penalty for road being out of repair.

SEC. 11. *Be it enacted*, That the directors shall regulate the tolls of said road, in conformity to other roads of the county of like character.

SEC. 12. *Be it enacted*, That stockholders shall have the right of transferring their stock by sale, gift, or otherwise, as they may desire, and the assignee or assignees of said stock, so transferred, shall be entitled to all the

Transfer stock.

rights, privileges, and immunities, as the original members of said company, and subject to all the responsibilities, and liabilities of the original members of the company.

SEC. 13. *Be it enacted*, That the eighth section of an act, passed at the present session of the General Assembly, entitled "an act to authorize William Hickerson, of the county of Bledsoe, to open a turnpike road, and for other purposes," passed January 14th, 1848, be, and the same is hereby repealed.

W. Hickerson's Turnpike repealed.

F. BUCHANAN,
Speaker of the House of Representatives.

J. M. ANDERSON,
Speaker of the Senate.

Passed, February 3, 1848.

CHAPTER CLXV.

An Act to repeal an act of 1809, chap. 53, concerning aliens.

Whereas, the provisions of the act of 1809, chap. 53, are inconsistent with treaties made between the United States and foreign nations, and so far as relates to the distribution of personal property, are contrary to principles generally established by the laws of nations—Therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the said act of 1809, chap. 53, and every part thereof, be, and the same is hereby repealed.

Former act repealed.

SEC. 2. *Be it enacted*, That it shall be the duty of the sheriff of each county to report, to the attorney general of his district, all cases of escheated property in his county, and the circuit court shall have a jury summoned to enquire whether the property has escheated to the State of Tennessee, and the attorney general shall institute suit for the recovery thereof.

Escheated property.

SEC. 3. *Be it enacted*, That it shall be the duty of the attorney general, in each district, to report to the Comptroller and Treasurer, the escheated property belonging to the State, in order that the same may be appropriated to the use of common schools.

To be reported to Comptroller.

SEC. 4. *Be it enacted*, That if the heir of any person last seized of any real estate, or interest therein, be a resident of the United States, at the time of the death of

the intestate, and shall within one year after the death of the intestate, declare his intention of becoming a citizen of the United States, according to the act of Congress, such person shall be entitled to succeed to the real estate, and the same shall not escheat, and may transmit the same to his heirs or devise the same by last will and testament.

F. BUCHANAN,
Speaker of the House of Representatives.
 J. M. ANDERSON,
Speaker of the Senate.

Passed, February 3, 1848.

CHAPTER CLXVI.

An Act to amend the charter of South Memphis.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That so much of the tenth and eleventh sections of the act, incorporating the town of South Memphis, passed, January 6th, 1846, as refers to the boundaries of said town, be, and the same is hereby repealed. Former act repealed.

SEC. 2. *Be it enacted*, That the act to incorporate South Memphis, passed, January 6th, 1846, be, and the same is hereby so amended, that that portion of the South Memphis tract, lying east of Wellington street, as designated upon the plan of South Memphis, be and the same is hereby excluded from the corporate limits of said town and all jurisdiction over the same, granted by said act, passed, 6th January, 1846, is hereby repealed.

SEC. 3. *Be it enacted*, That so much of the fourth section of an act, to incorporate South Memphis, passed, January 6th, 1846, as requires the Aldermen of said corporation to be elected by the general ticket system, be, and the same is hereby repealed; and that hereafter the Aldermen of said corporation shall be elected by the qualified voters of the wards in which they respectively reside. Election of Aldermen.

F. BUCHANAN,
Speaker of the House of Representatives.
 J. M. ANDERSON,
Speaker of the Senate.

Passed, February 4, 1848.

CHAPTER CLXVII.

An Act requiring all official bonds to be made payable to the State of Tennessee.

Be it enacted by the General Assembly of the State of Tennessee, That all official bonds, hereafter to be executed by officers having charge of any part of the public service, and all other bonds, which, by existing laws, must be made payable to any functionary of the government, shall be made payable to the State of Tennessee, in whose name suits may be prosecuted, in favor of the beneficiaries therein.

F. BUCHANAN,

Speaker of the House of Representatives.

J. M. ANDERSON,

Speaker of the Senate.

Passed, February 4, 1848.

CHAPTER CLXVIII.

An Act to reduce the several acts incorporating the Town of Nashville into one act, and to amend the same.

SECTION 1. *Be it enacted by the General Assembly of the* Incorporation. *State of Tennessee,* That the inhabitants of the City of Nashville, as the same extends and is laid out, are hereby constituted a corporation and body politic by the name and style of the Mayor and Aldermen of the City of Nashville, and by the same name shall have perpetual succession, shall sue and be sued, implead and be impleaded, in all courts of law and equity, and in all actions whatsoever, may purchase, receive, and hold property, real and personal within said city, and may sell, lease, or dispose of the same, for the benefit of said city, and may purchase; receive and hold property, real and personal beyond the limits of the city, to be used for the burial of the dead, for the erection of Water Works, for the establishment of a Hospital, for a Poor House, Work House, or house of correction; and may sell, lease, or dispose of such property for the benefit of the city, and do all other acts touching the same as natural persons: they shall have and use a common seal, and change it at pleasure.

SEC. 2. There shall be a city council to consist of a mayor and board of aldermen. The board of alder-

men shall consist of two members from each ward, chosen by the qualified voters of each ward respectively for one year. No person shall be an alderman unless he be a citizen of the State of Tennessee, and a *bona fide* resident and a freeholder in the ward for which he is elected. Any alderman after his election removing from or ceasing to be a freeholder in his ward shall thereby vacate his said office. Each alderman shall, before entering upon the duties of his office, take an oath that he will faithfully demean himself in said office. All vacancies in the board of aldermen shall be filled by the vote of a majority of the remaining members.

SEC. 3. The Mayor shall be elected by the qualified voters of the city, and shall hold his office for one year, and until his successor shall be elected. No person shall be elected Mayor who is not at the time of his election a citizen of the State of Tennessee, and *bona fide* resident, and freeholder of said city. Where two or more persons shall have an equal number of votes for the office of Mayor, the election shall be decided by a majority of the votes of the council elect. A vacancy in the office of Mayor shall be filled in the same manner. The Mayor may fill all vacancies occurring in any office, except that of Aldermen, until the same be filled by election. It shall be the duty of the Mayor to preside at all meetings of the council; to take care that all the ordinances of the city are duly enforced, respected and observed within the city; to take an oath of office before he enters upon the duties of the same, and to call special sessions of the council when he may deem it expedient.

SEC. 4. The city council shall have full power and authority to appoint all officers, servants and agents of the corporation, such as they may deem necessary, and may provide by ordinance; they shall also fix the compensation of such officers before their election, which shall not be increased nor diminished during their continuance in office, they shall also have power to dismiss any officer, servant or agent by them appointed, two thirds of said council concurring in such dismission.

SEC. 5. An election for Mayor and Aldermen shall be held in each ward of said city, by the Judges of election appointed by the existing board of Mayor and Aldermen of said city, on the last Saturday of September; the voters shall vote by ballot, and only in the wards in which they may reside; non resident freeholders may vote in the ward where their freehold is situated, and not elsewhere; Judges of election shall be appointed by the council for each ward, who shall take an oath, to

City Council.

Election & duties of Mayor.

Council may appoint officers, &c.

Election of Council,

faithfully and impartially discharge their duties; they shall open the polls at ten o'clock in the forenoon, and close them at four o'clock in the afternoon, when they shall forthwith proceed to ascertain and certify to the existing Mayor the result of such election. All persons owning a freehold in said city, and all persons resident and paying taxes therein, shall be qualified to vote at such election: in all cases of a tie in the election of an Alderman, the election shall be referred back by the Mayor to the voters of the ward, and held as before, within the next succeeding ten days.

Powers of
Board.

SEC. 6. The Mayor and Aldermen shall have power, by ordinance, within the city—

1st. To levy and collect taxes, upon all property taxable by law for State purposes.

2d. To levy and collect taxes, upon all privileges and polls taxable by the laws of the State.

3d. To appropriate money, and provide for the payment of the debt and expenses of the city.

4th. To make regulations to prevent the introduction of contagious diseases into the city; to make quarantine laws for the purpose, and enforce the same within ten miles of the city.

5th. To establish hospitals, and make regulations for the government thereof.

6th. To establish a system of free schools, and regulate the same, so as to avoid sectarian influence.

7th. To make regulations to secure the general health of the inhabitants, and to prevent and remove nuisances.

8th. To provide the city with water by water works, within or beyond the boundaries of the city.

9th. To open, alter, abolish, widen, extend, establish, grade, pave, or otherwise improve, clean and keep in repair, streets, alleys, and side walks, or to have the same done.

10th. To erect, establish, and keep in repair, bridges, culverts, sewers and gutters.

11th. To provide for lighting the streets.

12th. To establish, support and regulate a night watch and patrol.

13th. To erect market-houses, establish markets and regulate the same.

14th. To provide for the erection of all buildings necessary for the use of the city.

15th. To provide for enclosing, improving, and regulating all public grounds belonging to the city, in or out of the corporate limits.

16th. To improve and preserve the navigation of the

Cumberland river within the city, the limits of which shall extend to the middle of said river. Powers of Board.

17th. To erect, repair, and regulate public wharves, docks, and landings, and to fix the rate of wharfage thereat, and to regulate ferries.

18th. To regulate the stationary anchorage and mooring of vessels or rafts within the city.

19th. To license, tax and regulate auctioneers, grocers, merchants, retailers, taverns, brokers, coffee houses, confectionaries retailers of liquors, hawkers, pedlars, livery stable keepers, and negro traders.

20th. To license, tax, and regulate hackney carriages, carts, omnibuses, wagons and drays, and to fix the rates to be charged for the carriage of persons, and of property within the city, and to the public works and property without the limits of the city.

21st. To license and regulate porters, and fix the rate of portage.

22d. To license, tax, regulate, and suppress theatrical and other exhibitions, shows, and amusements.

23d. To regulate, or prohibit and suppress all disorderly houses and bawdy houses.

24th. To provide for the prevention and extinguishment of fires, to organize and establish fire companies; to regulate, restrain or prohibit the erection of wooden buildings in any part of the city; to regulate and prevent the carrying on of manufactories dangerous in causing or producing fires.

25th. To regulate the storage of gun-powder, tar, pitch, rosin, salt-petre, gun-cotton, and all other combustible material, and the use of lights, candles and stove pipes in all stables, shops, and other places.

26th. To establish standard weights and measures, and regulate the weights and measures to be used in the city, in all cases not otherwise provided for by law.

27th. To provide for the inspection and measuring of lumber, and other building materials.

28th. To provide for the inspection and weighing or measuring stone coal, wood, and all other fuel; hay, corn, and other grain.

29th. To provide for and regulate the inspection of beef, pork, flour, meal, oils, whisky, and other spirits in barrels, hogsheads, and other vessels.

30th. To regulate the inspection of butter, lard, and other provisions; to regulate the vending of meats, poultry, fish, and vegetables; to restrain and punish the forestalling of provisions, and to suppress hucksters.

31st. To regulate the police of the city; to impose fines, forfeitures and penalties for the breach of any or

Powers of Board. ordinance, and to provide for their recovery and appropriation; and to appoint an officer for the town, being a justice of the peace, before whom such recovery may be had; not however to exclude the jurisdiction of other justices of the peace in said town.

32d. To provide for the arrest and confinement, until trial, of all riotous and disorderly persons within the city, by day or by night; to authorize the arrest and detention of all free negroes, slaves, or suspicious persons, found violating any ordinance of the city; to regulate the time and circumstances, at and under which free negroes and slaves, may be absent from their respective places of abode, and direct the punishment for the breach of such regulations.

33d. To prevent and punish by pecuniary penalties all breaches of the peace, noise, disturbances or disorderly assemblies in any street, house or place in the city, by day or night.

34th. To fix from time to time the number and boundary of the city wards.

35th. To prevent and remove all encroachments into and upon all streets, lanes, avenues and alleys, established by law or ordinance.

36th. To remove all obstructions from the side walks, and to provide for the construction and repair of all side walks and curbstones, and for cleaning the same, and of the gutters at the expense of the owners of the ground fronting thereto.

37th. To pass all ordinances not contrary to the constitution and laws of the State, that may be necessary to carry out the full intent and meaning of this act, and to accomplish the object of their incorporation.

Former ordinances in force. SEC. 7. All ordinances and resolutions heretofore enacted by the Mayor and Aldermen of said city, and not repealed or rescinded by them, shall be and remain in full force until altered, modified or repealed under this act.

Charter a public law. SEC. 8. The General Assembly may at any time alter, amend or repeal this charter, and the same is hereby declared to be a public law, and may be read in evidence in all courts without proof or special pleading.

Work House. SEC. 9. The city of Nashville shall have power to erect and organize a work house, in or near said city, and any person who shall fail or neglect to pay any fine or cost, imposed on him by any ordinance of said city, shall be committed to the work house until such fine and cost be fully paid; every person committed to the work house shall be required to work for the city at such labor as his health and strength will permit, within or without

said work house, not exceeding ten hours each day, and for such work and labor the person so employed, shall be allowed exclusive of his board, a credit upon such fine and cost seventy-five cents per day, until the whole is discharged, when he shall be released; *Provided*, that no person shall be compelled to work longer than three months for any one offence.

SEC. 10. There shall be prepared and published by the city council, a digest of all the ordinances and resolutions of a public nature now in force, within six months after the passage of this act, and a like digest once in every three years thereafter. Digest of ordinances to be published.

SEC. 11. *Be it enacted*, That all acts and parts of acts contrary to, and inconsistent with the provisions of this act or within the purview thereof, are hereby repealed. Conflicting acts repealed.

SEC. 12. *Be it enacted*, That it shall not be lawful for the Mayor and Aldermen of the town of Nashville, to impose upon any person or persons, or firm of co-partners who may keep a house for the purpose of exercising the business of an auctioneer of goods, wares and merchandize, a tax exceeding the State tax for exercising the same privilege. Tax on auctioneers.

SEC. 13. *Be it enacted*, That the corporation constable shall have power to execute state warrants and other process which constables generally have the power to execute, within the limits of the corporation. Constable's powers.

SEC. 14. *Be it further enacted*, That the inhabitants of the town of Rutledge, in the county of Grainger, within the following boundaries, to wit: Beginning at the east end of said town, so as to include the residence of G. Solomon and Wm. Coose, and from thence west to the west end of said town, including the residence of Michael Goldman, from thence south in a direct line to Richland creek, from thence up said creek opposite the beginning, and thence north to the beginning, be and they are hereby incorporated in the same manner, with the like privileges, obligations, liabilities and restrictions as the inhabitants of the town of Richmond, in the county of Bedford, are by the act passed at the present session. Rutledge incorporated.

F. BUCHANAN,

Speaker of the House of Representatives.

J. M. ANDERSON,

Speaker of the Senate.

Passed, January 31, 1848.

CHAPTER CLXIX.

An Act to amend an Act, entitled an Act to authorize Benjamin Parker Hopkins and William Tinker, of the county of Cocke, to open a Turnpike Road, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That Benjamin Parker Hopkins and William Tinker, of the county of Cocke, shall have the further time of two years from and after the passage of this Act to open and complete said Road.

Further time
allowed B. P.
Hopkins & W.
Tinker.

SEC. 2. *Be it enacted by the General Assembly of the State of Tennessee,* That the Governor of the State of Tennessee is hereby authorized and required to endorse and guarantee, in the name and on the behalf of the State of Tennessee, the Bonds of the Nashville and Chattanooga Railroad Company, to any amount not exceeding the sum of five hundred thousand dollars, bearing interest at the rate of six per cent. per annum, and payable thirty years after date; provided, always, that said Bonds shall not be endorsed until the sum of one million and a half of subscription shall be made; and provided that said subscription shall be adjudged valid and solvent by the Board of Internal Improvement, before said endorsement and guarantee shall be made; and provided, always, that when forty miles of said Road shall be completed, and put in operation by the Company, Bonds to the amount of two hundred and fifty thousand dollars shall be endorsed and guaranteed in the name and on behalf of the State of Tennessee, and not before; and that when eighty miles shall be completed, Bonds to the amount of two hundred and fifty thousand dollars more shall be endorsed and guaranteed in the name and on behalf of the State of Tennessee, and not before; and provided, always, that the Board of Internal Improvement is hereby authorized and required to take as satisfactory indemnity to save the State against the payment of either principal or interest on said Bonds before the same are issued, first by taking a lien upon the whole stock of the Company, and second, on the Road and fixtures as built and put in operation; and to direct such proceedings either in law or equity to be prosecuted by the Attorney General of the State, or any District Attorney General, as the Board may deem necessary and proper for the safety of the State.

Nashville and
Chattanooga R.
Road—Gov. to
issue bonds.

SEC. 3. *Be it enacted,* That from and after the passage of this Act the name of the Hiwassee Rail. Road Company shall be changed to the name of the East Tennessee and Georgia Railroad Company, and by that

Hiwassee R. R.
Co. changed to
E. Tenn. and
Georgia R. R.
Company.

name shall have, possess and enjoy all the rights, privileges and immunities conferred upon the Hiwassee Railroad Company.

SEC. 4. *Be it enacted*, That said Company is authorized and empowered, with the consent and authority of the Legislature of the State of Georgia, to penetrate the State of Georgia with their Road, so as to connect the same with the Western and Atlantic Railroad of the State of Georgia, and that in the further construction of said Road, said Company are required to commence working at the Southern terminus thereof. May penetrate the State of Georgia.

SEC. 5. *Be it enacted*, That in the event the individual Stockholders in said Company will consent that the nominal value of their stock in said Company, already paid, shall be reduced to the real value of the work already done on said Road, then the nominal value of the stock in said Road owned by the State, and already paid, shall in like manner be reduced. Stock reduced to real value.

SEC. 6. *Be it enacted*, That Luke Lea and David A. Deaderick are hereby appointed Commissioners on behalf of the State, who, together with a like number of Commissioners to be appointed by and on behalf of the Stockholders, shall determine upon the real value of the work done on said Road, and to fix the value of the stock of the individual Stockholders and of the State in conformity with the value of the work done; and the said Commissioners are hereby required and directed to make out duplicate reports of their said valuation, and file one with the Board of Directors of said Company, and one with the Comptroller of the State. Commissioners

SEC. 7. That the time for the completion of said Road be extended to the year 1860.

SEC. 8. *Be it enacted*, That the Governor of the State of Tennessee is hereby authorized and required to endorse and guarantee the Bonds of the said East Tennessee and Georgia Railroad Company to an amount not exceeding three hundred and fifty thousand dollars, bearing interest at the rate of six per cent., per annum, and payable thirty years after date; provided, said Bonds shall not be endorsed until the sum of one million three hundred thousand dollars of subscription, including the State subscription, shall be made; and provided, that said subscriptions shall be adjudged valid and solvent by the Board of Internal Improvement, before said endorsement and guarantee in the name and on behalf of the State of Tennessee shall be made; and provided further, that said Road shall be first finished from the Western and Atlantic Railroad to Charleston in Tennessee, and have the cars running on it that distance, being about Governor to endorse bonds—when.

forty miles; and provided, always, that the Board of Internal Improvement is hereby authorized and required to take as satisfactory indemnity to save the State against the principal and interest on said Bonds, before the same are issued, first taking a lien upon the whole stock of the Company, and second upon the Road and fixtures as built and put in operation, and to direct such proceedings either in law or equity to be prosecuted by the Attorney General of the State, or any District Attorney General, as the Board may direct as necessary and proper for the safety of the State.

SEC. 9. *Be it enacted,* That the capital stock of said Company is increased to two millions of dollars, to be subscribed in shares of one hundred dollars each, by any corporation, private companies or individuals.

SEC. 10. *Be it enacted,* That the Board of Directors of said Company have power and authority to declare a forfeiture of the stock, or so much thereof as they may deem proper, of non-paying stockholders, upon such terms and conditions as they may deem best, and to sell any forfeited stock either at public or private sale as they may deem best.

SEC. 11. *And be it further enacted,* That before the Governor shall endorse and guarantee the Bonds of the Nashville and Chattanooga Railroad Company, the President and a majority of the Directors of said Company shall make a statement, verified on oath, that the Road heretofore required to be finished, is completed, within the true intent and meaning of this Act, and that the proceeds of the Bonds to be endorsed and guaranteed shall be wholly applied to the extension of said Road; and before the Governor shall endorse or guarantee the Bonds herein provided to be endorsed and guaranteed for the East Tennessee and Georgia Railroad Company, the President and a majority of the Directors of the said East Tennessee and Georgia Railroad Company, shall make a statement, verified on oath, that the Road has been completed from its Southern terminus in Georgia to Charleston in Tennessee, by subscriptions of individuals, companies, and corporations, without any further aid from the State, than the State has subscribed before this Act was passed, and that the State is free from any embarrassment on account of building said Road from the Southern terminus in Georgia, to Charleston in Tennessee; and that the proceeds of said Bonds to be endorsed and guaranteed, shall be entirely applied to the extension of said Road from Charleston towards Knoxville.

SEC. 12. *Be it enacted,* That the Bonds herein pro-

vided to be endorsed and guaranteed, shall not be for a Bonds not less
less sum than one hundred dollars each; provided that than \$100 each
nothing in this Act shall be so construed as to authorize
the State to issue any Bonds to the East Tennessee and
Georgia Railroad Company to make up any deficiency
by reason of the reduction of the value of her stock al-
ready paid in, as provided for in this Act.

F. BUCHANAN,

Speaker of the House of Representatives.

J. M. ANDERSON,

Speaker of the Senate.

Passed, 4th February, 1848.

CHAPTER CLXX.

An Act for the benefit of creditors and heirs.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That whenever an executor or administrator shall file a bill under existing laws to have any real estate sold for the purpose of paying debts, the court may in its discretion, when it is necessary to pay debts, decree a sale of any lands belonging to the testator or intestate in any other county or counties than the one in which the bill may be filed.

SEC. 2. That the provisions of the first section of this act, so far as applicable, shall apply to bills filed by heirs, devisees or tenants in common to sell lands for partition.

F. BUCHANAN,

Speaker of the House of Representatives.

J. M. ANDERSON,

Speaker of the Senate.

Passed, February 5, 1848.

CHAPTER CLXXI.

An Act to change the time of holding the Chancery Court at Murfreesborough and other places, and declaring valid the proceedings of the Circuit Court of Jefferson county, held 3d Monday of December last.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the Chancery Court at Murfreesborough shall be held hereafter on the 4th Monday in April and on the 3d Monday in October.

SEC. 2. That the Chancery Court at Woodbury shall hereafter be held on the Thursdays next preceding the 2d Mondays in March and September, and that the first court at Woodbury under the provisions of this section shall be held in September next at the time above specified.

SEC. 3. So much of the act passed December 31st, 1845, chap. '40, as relates to the Chancery Court at Athens be and the same is hereby repealed, and the first section of the act passed the 30th January, 1844, establishing said court at Athens is hereby revived and declared in full force.

SEC. 4. The times for holding the Chancery Court at Athens shall be on the 3d Mondays of February and August and may continue for one week.

SEC. 5. After the next term of the Chancery Court at Cleveland, the times for holding that court shall be changed to the 4th Mondays of February and August.

SEC. 6. The proceedings of the Circuit Court of Jefferson county, at its late term on the third Monday of December, are hereby declared to be valid to all intents and purposes, notwithstanding the act passed at this present session of the General Assembly directing the said court to be held on the second Monday of said month.

SEC. 7. *Be it enacted,* That the Judge of the Criminal Court for the county of Davidson may grant writs of certiorari and supersedeas and attachments at law in all cases in which the Judges of the Circuit Courts can grant the same, and make any other order, or do any other acts that the Circuit Judges may make.

SEC. 8. A criminal court is hereby established at Clarksville, and at Murfreesborough, and Lebanon, for the counties of Montgomery, Rutherford and Wilson, to be held by the Judge of the Criminal Court for the county of Davidson; and said Criminal Courts shall be held under the same rules, regulations and restrictions, as are provided by law for the Criminal Court for Davidson county; and all criminal causes now pending in the

Circuit Courts of said counties shall be transferred to the said Criminal Courts for trial.

SEC. 9. The Circuit Judges of said counties of Montgomery, Rutherford and Wilson shall retain jurisdiction of criminal cases in said courts so far as to empannel a grand jury at the regular terms of their courts for the finding of bills of indictment and presentments, which shall be transferred immediately upon the finding thereof, together with all papers upon which they may be found, or that may be filed therewith by the clerks of said Circuit Courts, to the said Criminal Courts for trial.

Circuit Judges to retain criminal jurisdiction to a certain extent.

SEC. 10. The Judge of said criminal courts shall hold three terms of said court in each year at Nashville, Clarksville, Lebanon, and Murfreesborough; the regular terms of said courts shall be appointed and fixed by a standing order on the minutes of said courts, to which all process running from term to term shall be returned, and said courts shall always be open.

Judge to hold three terms.

SEC. 11. *Be it further enacted,* That this act shall take effect from the date of its passage.

F. BUCHANAN,

Speaker of the House of Representatives.

J. M. ANDERSON,

Speaker of the Senate.

Passed, February 5, 1848.

CHAPTER CLXXII.

An Act to authorize the removal of the seat of Justice of Campbell county, and change the name of said seat.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That R. D. Wheeler, Allen McDonald, Cutbirth Webb, John Lay, Wm. Cairy, Labon Sharp, William Walker, Jun., M. B. Moss, Isaac C. Petree, Russel Miller, Oty T. Clibon, Tucker W. Page, Elijah Hill, Alfred Agee and William D. Sharp, are hereby appointed commissioners, or a majority of them, are authorized to select and designate some eligible site on which to locate the seat of justice for said county, and when said site is so selected it shall be the duty of said commissioners to give notice to the Sheriff of said county, of the site so selected, and said Sheriff, on being so notified, shall proceed to hold an election at each civil district in said county, first giving twenty days notice

Commissioners to select site.

thereof, at five of the most public places in the county, at which election the citizens of said county are required to vote for or against, the removal from the present seat of justice to the site so selected; and the Sheriff of said county is hereby required to hold said election, and report the result thereof to the commissioners aforesaid.

SEC. 2. *Be it enacted*, That if a majority of the qualified voters of said county, shall vote in favor of the new site so selected, the commissioners or a majority of the same mentioned in the first section of this act, are hereby fully empowered, to carry into effect as hereafter directed.

SEC. 3. *Be it enacted*, That it shall be the duty of the Comm'rs to lay commissioners aforesaid to procure by purchase, or otherwise a deed of conveyance with covenants of general warrantee for a sufficient tract or piece of land at the site so selected, made to themselves and successors, and assigns, and shall cause said town to be laid off with as many streets and alleys, as they shall deem sufficient, with a suitable square for the erection of public buildings, and said commissioners may reserve such lots as they may deem advisable, for the purpose of erecting a jail, literary institution or churches on them.

SEC. 4. *Be it enacted*, That the commissioners aforesaid, shall sell the lots in said town on a credit of twelve months, first giving thirty days notice of said sale, in some newspaper published in East Tennessee, and shall take bond with security from the purchaser or purchasers of said lots payable to themselves and their successors in office, and shall make a title in fee simple as commissioners to the respective purchasers of said lots, retaining a lien thereon until the payment of the purchase money is made.

SEC. 5. *Be it enacted*, That the proceeds of the sales aforesaid, shall be a fund in the hands of said commissioners, for the defraying the expenses incurred in the purchase of said tract of land, on which said town is situated, and for defraying the expense of erecting the necessary public buildings, and all the expenses incident to the execution of the several duties hereby imposed on said commissioners.

SEC. 6. *Be it enacted*, That it shall be the duty of said Comm'rs to contract for commissioners to superintend the erection of such public buildings as the County Court shall and may direct to be built, and shall let the same out on the most advantageous terms, and take bonds from the undertaker with ample penalties and sufficient securities payable to themselves and their successors, conditioned for the faithful performance of his or their contract.

SEC. 7. *Be it enacted,* That said commissioners after, Commissioners to give bond. said site is selected as aforesaid, and before advertising and selling said lots, shall enter into bond with good and sufficient security, payable to the chairman of the County Court and his successors in office, conditioned faithfully and truly to perform all the duties herein assigned to them, well and truly to apply, pay over and account for all moneys which shall and may come to their hands, as shall and may be directed by the County Court of said county.

SEC. 8. *Be it enacted,* That said commissioners here- Com'rs to take oath, and their compensation. by appointed, before entering upon the duties assigned them by this act, shall take an oath to faithfully and impartially discharge the same, and shall have such compensation for their services as the County Court may allow, a majority of the justices being present and voting for such compensation.

SEC. 9. *Be it enacted,* That said town shall be designated and known by the name that a majority of the Officers to remove records. commissioners may choose to call it, and that when the public buildings are erected and completed, notice thereof shall be given by the chairman of the County Court, in some newspaper published in East Tennessee, and immediately on such publication being made, it shall be the duty of all officers at the Court house immediately to remove the same with all the documents and archives thereto belonging, to said new court house, at which, hereafter all courts now directed by law to be held at the present seat of justice, shall be held at the new court house in said town.

SEC. 10. *Be it enacted,* That said commissioners, Com'rs to sell public property shall then proceed to dispose of all public buildings, lots and properties rightfully belonging to the county as public property, at the old county seat, in such manner as they may think most advantageous, the proceeds of which shall be applied in defraying the expenses of building the public buildings in said county.

F. BUCHANAN,

Speaker of the House of Representatives.

J. M. ANDERSON,

Speaker of the Senate.

Passed, February 4, 1848.

CHAPTER CLXXIII.

An Act to enable Circuit Courts to do justice in certain cases.

Be it enacted by the General Assembly of the State of Tennessee, That in all actions of ejectment or trespass for injuries to real estate, where the tract of land lies in two or more counties the court of the county, in which process shall be served on the defendant or defendants, shall have jurisdiction to try the title to the whole tract of land in the action of ejectment, and award execution accordingly; and in the action of trespass, to hear and determine the case, as though the entire tract lay in the county in which the suit was brought.

F. BUCHANAN,

Speaker of the House of Representatives.

J. M. ANDERSON,

Speaker of the Senate.

Passed, February 2, 1848.

CHAPTER CLXXIV.

An Act to amend the act of 1844, chap. 115, passed, 19th January. 1844.

Be it enacted by the General Assembly of the State of Tennessee, That from and after the passage of this act, all stock owned by non-resident stockholders, in any of the incorporated companies in this State, shall be added to the list of property enumerated in the act of 1836, chapter 13, section 1, and shall be subject to taxation, as other property in this State.

F. BUCHANAN,

Speaker of the House of Representatives.

J. M. ANDERSON,

Speaker of the Senate.

Passed, February 4, 1848.

CHAPTER CLXXV.

An Act to amend the act of 1836, passed 19th February, entitled "an act to appoint a board of common school commissioners, and to secure the common school fund.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the President and Directors of the Bank of Tennessee, are hereby constituted a board of commissioners of common schools and of the school fund, and the President of the Bank shall be President of said board, and shall assemble its members at his pleasure, and cause a record of all its proceedings, by the secretary of said board, to be kept. President and Directors of B, of Tenn. Commissioners of Com. Schools.

SEC. 2. Said board of commissioners shall have the superintendence of the school fund, and in their capacity of President and Directors of the Bank of Tennessee, shall guard it against diminution, and see that the interest of so much of the school fund, as constitutes a part of the capital of said bank, and all other school dividends, shall be inviolably paid over, as now directed by law, to the support and encouragement of common schools throughout the State, and for the benefit of all the people thereof, and to no other use. But the Bank of Tennessee shall continue to pay over, as heretofore, the sum of one hundred thousand dollars to common schools, and eighteen thousand dollars to academies, the interest arising on the school fund in said bank inclusive. Com'rs shall pay out school moneys as heretofore.

SEC. 3. Said board shall make out and publish a report of the condition, investment and constituent parts of said fund, to be transmitted by the Governor to each session of the General Assembly. Board to report to Governor.

SEC. 4. That the act passed, 25th January, 1848, entitled "an act to abolish the office of Internal Improvement Commissioner," be repealed, and that the Secretary of State perform the duties of said office as heretofore. Int. Imp. Commissioners continued.

SEC. 5. This act shall be in force from and after the passage thereof.

F. BUCHANAN,

Speaker of the House of Representatives.

J. M. ANDERSON,

Speaker of the Senate.

Passed, February 6, 1848.

CHAPTER CLXXVI.

An Act to authorize the Bank of Tennessee to issue small bills.

Be it enacted by the General Assembly of the State of Tennessee, That the Bank of Tennessee may issue notes of any denomination, from one dollar to five dollars, under the same rules, regulations and restrictions as other issues of said bank; and said small notes shall be duly apportioned among the several branches of the bank.

F. BUCHANAN,

Speaker of the House of Representatives.

J. M. ANDERSON,

Speaker of the Senate.

Passed, February 3, 1848.

CHAPTER CLXXVII.

An Act to entitle either party, to any suit in a court at common law, to a discovery in said court.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That either party to a suit in any of the circuit courts of this State, shall be entitled to a discovery from the other party, of all matters material to the issue in such suit, in all cases where the same party would, by the rules of equity, be entitled to a discovery by the rules of equity, in aid of such suit.

How entitled to discovery. Sec. 2. To entitle a party to such discovery, he shall present a petition, verified by the affidavit of himself or some other creditable person to the court, or judge thereof in vacation, setting forth the matter upon which his claim to a discovery is founded, the facts sought to be discovered, and such interrogatories in relation thereto as may be thought necessary to exhibit, in order to obtain a full discovery.

Court or Judge may grant order. Sec. 3. The court, or any judge thereof, in vacation, may, upon such petition, grant an order, requiring the party, from whom the discovery is sought, to answer the interrogatories exhibited in the petition, or such of them as it shall appear to the court or officer ought to be answered, or that good cause be shown in court why the same ought not to be answered, and may further order the trial of the suit to be stayed until the order be complied with, or vacated.

SEC. 4. The petition and order to answer, shall be filed in the office of the clerk of the court, and a copy thereof served on the other party or his attorney, and the same proceedings shall be had on the petition, and the court may exercise the same powers therein, as would be had, or might be exercised, in a court of equity, on a bill for a discovery in aid of a suit at law. Petitions to be filed with clerk

SEC. 5. The answer of the party to the interrogatories shall be evidence on the trial of the suit, in the same manner, and with the like effect, as an answer to a bill in equity for a discovery; and if the party shall neglect or refuse to answer the interrogatories, and the petition shall, according to the course in equity, be finally taken for confessed, the facts stated in the petition, and therein sought to be discovered, may be given in evidence upon the trial, as facts admitted by the party from whom the discovery is sought. Answer to be evidence.

SEC. 5. This act shall take effect from and after its passage.

F. BUCHANAN,
Speaker of the House of Representatives.
J. M. ANDERSON,
Speaker of the Senate.

Passed, January 31, 1848.

CHAPTER CLXXVIII.

An Act to incorporate the Odd Fellows Hall and Library Association of the City of Memphis.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That Abel B. Shaw, Geo. W. Duval, William Alyer, E. Shaw, William Coppin, Geo. Smith, M. K. Morton, William Park, F. H. Clark, R. G. Clark, J. M. Walker, Harlan W. Leaf, Thomas S. Brown, A. F. Gibbs, S. S. Lewis, John S. Williams, H. McCall, William S. Bruce, J. D. Danberry, F. W. Smith, William R. Poston, C. R. Clark, Albert Linde, T. P. Aydlett, H. L. Guion, William R. Smith, John K. Mead, S. W. Wilkinson, M. Hawks, J. J. Worsham, Geo. Shall, Marcus Cook, and their associates be and they are hereby constituted a body corporate and politic by the name and style of the Odd Fellows Hall and Library Association of the City of Memphis, with power by that name to sue and be sued, to plead and be impleaded, answer Incorporation.

and be answered unto, in all kinds of suits and actions, and generally to do and perform all other acts and things which bodies corporate may lawfully do, for the purposes hereinafter named.

SEC. 2. *Be it enacted,* That the capital stock of said Capital stock, association shall consist of the aggregate amount already subscribed by the corporators aforesaid, to be held by them respectively in proportion to their several subscriptions, and that the association may hereafter increase their stock by new subscriptions, to any amount not exceeding thirty thousand dollars.

SEC. 3. *Be it enacted,* That the said association shall have power to purchase and hold real and personal property to the amount of their capital, to sell, exchange or mortgage the same, to contract loans and do every thing which may be necessary or expedient in building, completing and furnishing an Odd Fellows Hall, and in purchasing, adding to, and keeping up a Library for the benefit of the association, or for public benefit, as they may desire.

SEC. 4. *Be it enacted,* That the said Odd Fellows Hall Meetings and and Library Association shall meet on the first Monday of March next and ever afterwards on the first Monday in January in each and every year thereafter, and elect five directors, who shall hold their offices for the term of one year, and until their successors are elected. The said directors shall elect a President from their own body, and in his absence or upon his resignation, death or removal, may elect another in his place, may supply all vacancies in their body, and may appoint a Secretary and Treasurer, and all necessary officers or agents, under such restrictions and provisions, as to them may seem expedient. They shall keep a record of their proceedings, and a majority of directors shall be a quorum to transact business.

SEC. 5. *Be it enacted,* That said directors shall have power to make by-laws for the government of the said association, not inconsistent with the laws of the land. They shall have the general management and control of the business of the association, and may make all necessary contracts, which shall be done by vote, and by written instruments signed or executed by any officer or agent duly authorized by the board of directors for that purpose. The board of directors shall prescribe the method by which the several members of the association may transfer their stock, and may make provisions for forfeiting the stock of subscribers, who may fail or refuse to pay their subscriptions according to the regulations or requirements of the directors.

SEC. 6. *Be it enacted*, That the stockholders at any regular meeting, or at any meeting to be called by the directors, may by a majority of two-thirds of all the votes, direct all the property of the association to be sold, and the proceeds to be distributed to the stockholders, in proportion to their stock, which, when accomplished, shall work a dissolution of the body corporate herein created. In every meeting of the stockholders, each stockholder shall have one vote for each and every share of twenty-five dollars held by him, and any number of the stockholders, holding a majority of the stock, regularly met and present in person or by proxy, shall constitute a quorum, to do any business, except to dissolve the corporation.

SEC. 7. The present officers of the Grand Division of the Sisters of Temperance in this State, and their successors in office, are hereby created a body corporate and politic under the name and style of the "Grand Division of the Sisters of Temperance of Tennessee," and in that name, shall have power to buy, hold, and sell property, and sue and be sued, and transact such business, and exercise such powers, as are incident to corporations, but it is not intended, hereby, to authorize said Grand Division to hold, at any time, more real estate than may be necessary for its accommodation as a society for division rooms, and ground, or seminaries of learning, or hospital.

SEC. 8. Each subordinate sub-division of the Sisters of Temperance, that has been, or may hereafter be chartered, and established in this State, according to the constitution, and usages of the Order, shall be a body corporate, by the name given to it in their charter; and in such name, sue and be sued, and transact such other business as may be necessary for them as societies; they may also, in such name, hold so much real estate as may be necessary for halls and grounds for their meetings, or for such schools or hospitals as they may desire to establish.

F. BUCHANAN,

Speaker of the House of Representatives.

J. M. ANDERSON,

Speaker of the Senate.

Passed, February 4, 1849.

CHAPTER CLXXIX.

An Act concerning the pay of Jurors in the Commercial and Criminal Court of Memphis.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That hereafter all monies arising from fines and forfeitures in cases of misdemeanor prosecuted in the Commercial and Criminal Court of Memphis, shall be accounted for, and paid over by the clerk of said court, to the county trustee of Shelby county, in the same manner as clerks of the circuit courts, are required to account for monies in like cases, and that the expenses of the grand, petit, or other Jurors attending the said Commercial and Criminal Court of Memphis, shall be paid out of the county Treasury of Shelby county, in the same way that the Jurors of the circuit court of said county are paid.

Jurors to be paid out of co. treasury.

SEC. 2. *Be it enacted,* That a clerk for the Commercial and Criminal Court of Memphis shall be elected by the qualified voters in the fifth, thirteenth, and fourteenth civil districts in which Memphis, south Memphis and Fort Pickering are situated, at the same time and under the same regulations, that county officers for Shelby county are elected, who when so elected and qualified, shall discharge the duties of clerk of the said court under the same rules, regulations, and restrictions, provided by law for the government of clerks of the circuit courts, and the powers and authority of the clerk in the circuit court of Shelby county, in the Commercial and Criminal Court conferred by an act of the last General Assembly, shall thereafter cease, and any vacancies in the office of the clerk of the said Commercial and Criminal Court, which may occur by death, resignation or otherwise, shall be filled by the Judge of the said court.

Clerk elected as other clerks.

SEC. 3. *Be it enacted,* That the said clerk shall be entitled to the same fees and emoluments, as the clerks of the circuit courts of this State, and be subject to like penalties, and give bond and security as they are required to give.

Clerk's fees.

F. BUCHANAN,
Speaker of the House of Representatives.
J. M. ANDERSON,
Speaker of the Senate.

Passed, February 4, 1848.

CHAPTER CLXXX.

An Act to incorporate Altamont Academy in the county of Grundy.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Jesse Wooton, John Myers, William Dargin, Stephen M. Griswold, and David Burrows, be, and they are hereby constituted a body corporate, by the name of the Trustees of Altamont Academy, situated in the county of Grundy, and shall have perpetual succession, and be capable in law, to purchase, receive, and hold to themselves, and their successors, any lands, tenements, goods, or chattels, which may be given, granted, devised to them, or purchased for the use of said institution, and appropriate the same, as to them shall seem fit and proper, for the benefit of said institution; and said trustees, and their successors, shall have power to sue and be sued, plead and be impleaded, in all the courts of this State or elsewhere. Incorporation.

SEC. 2. *Be it enacted*, That the trustees aforesaid, shall have power to hold meetings, at such time and place as they shall think proper, and elect from their own body a President, Secretary and Treasurer; and all vacancies occurring in said board, by death, removal or resignation, shall be filled by the county court of Grundy county; and a majority of said board shall be a quorum to transact business relative to the interests of said academy. Power of Board.

SEC. 3. *Be it enacted*, That said academy shall be entitled to, and receive the distributive share of the county of Grundy, in the fund appropriated by law to county academies, from the organization of said county, and forever hereafter. Entitled to Academy fund.

SEC. 4. *Be it enacted*, That said trustees shall have power to make such by-laws and regulations for the government of said institution as they shall deem proper. *Provided*, That they are not inconsistent with the laws and constitution of the State of Tennessee. By-laws.

F. BUCHANAN,

Speaker of the House of Representatives.

J. M. ANDERSON,

Speaker of the Senate.

Passed, February 2, 1846.

CHAPTER CLXXXI.

An Act to alter the time of holding the courts in the Thirteenth Judicial District.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That hereafter the circuit courts in the Thirteenth Judicial Circuit, shall be holden as follows: the courts in the county of Van Buren shall be holden on the fourth Mondays in January, May, and September; in the county of Coffee on the first Mondays of February, June and October; in the county of Grundy on the third Mondays of February, June and October; in the county of Warren on the fourth Mondays of February, June and October; in the county of Lincoln on the first Mondays in March, July and November; in the county of Franklin on the third Mondays in March, July and November. *Provided,* That the first term of said courts in all of the counties above mentioned, after the passage of this Act, shall be holden as heretofore, and afterwards as contemplated by this Act. The first term of the circuit court in Franklin county, after the passage of this Act, shall be holden on the first Monday in May next, and after that time at the times specified in this Act.

Former laws repealed.

SEC. 2. That all laws, in any way conflicting with this act, be and the same are hereby repealed.

Chancery court at Waynesboro

SEC. 3. That a Chancery Court be established in the county of Wayne, to be holden at the town of Waynesborough, on the third Mondays of June and December, and the citizens of the counties of Lawrence, Hardin and Lewis, shall have the privilege of filing their bills in said court, or at Lawrenceburg or Savannah, as they may desire, and shall be attached to the Middle Chancery Division of the State of Tennessee.

SEC. 4. This act shall take effect from its passage.

F. BUCHANAN,

Speaker of the House of Representatives.

J. M. ANDERSON,

Speaker of the Senate.

Passed, February 5, 1846.

CHAPTER CLXXXII.

An Act to legalize the acts of Isaac Lewis, Register for East Tennessee, and for other purposes.

Whereas, At the called session of the Legislature of 1842, Isaac Lewis was elected Register of East Tennessee, for the term of four years, and he the said Isaac Lewis has performed the duties of said office up to his re-election at the present session of the Legislature; Therefore

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the acts of Isaac Lewis, as Register of East Tennessee, are hereby legalised, and made valid within the aforesaid time.

SEC. 2. *Be it enacted*, That in all cases where any plat and certificate of survey, occupant right, or entry, shall heretofore have been, or may hereafter be, transferred by the surveyor, or entry taker, of any county or district, or their deputies, with the consent of the owner of such plat and certificate, occupant right, or entry, grants may issue to the assignee of any such plat and certificate, occupant right, or entry, in the same way as the same could have been issued to the original owner: and the fact that any such transfer has been made shall be *prima facie* evidence of the assent of such owner. Grants may issue to assignee when.

SEC. 3. *Be it enacted*, That the acts of Oliver H. P. Sims, as clerk of the county court of White county, be and the same are hereby made legal and binding, Acts of O. H. P. Sims made valid.

F. BUCHANAN,

Speaker of the House of Representatives.

J. M. ANDERSON,

Speaker of the Senate.

Passed, February 4, 1848.

CHAPTER. CLXXXIII.

An Act to incorporate the Tennessee Female Institute.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That Matt. Hillsman, George D. Crosthwait, Bradley Kimbrough, James R. Graves, R. B. C. Howell, James F. Fletcher, Jesse Sykes, C. K. Winston, Jos. H. Eaton, W. L. Murfree, J. W. Burton, N. Whittaker, Isaac Burleson, Thomas Mosely, Jos. Battle, and their successors in office, be and they are hereby constituted a body politic and corporate, by the name of the Trustees of the Tennessee Female Institute. *Provided,* that in case a donation of ten thousand dollars shall be made to the Institute by any person or persons, then the Institute may, by an act of the board of Trustees, receive a name in honor of such benefactor or benefactors, or in accordance with his, her or their wishes, and by that name shall and may have continual succession hereafter; said Institution to be located at their discretion, and shall be able in law to sue and be sued, implead and be impleaded, answer and be answered unto, defend and be defended, in all courts and places, whatsoever, and may have a common seal, and may change and alter the same at their pleasure, and, also, shall be able in law to take by purchase, grant, demise, or in any other manner, and to hold any real and personal estate whatsoever; *Provided always,* that the clear yearly value of the real estate so to be acquired, shall not exceed the sum of twenty-five thousand dollars; *and provided also,* the principal and interest of which fund shall be used and applied to the promotion of education and to no other purpose whatsoever, and also that they, the said trustees and their successors as aforesaid, shall have power to collect and receive all funds that have been in any way contributed or pledged with reference to the establishment or maintainance of said Institute or for any of its purposes, and to apply the same, and to give, grant, bargain, sell, convey or otherwise dispose of, all or any part of the said real or personal estate, as to them shall seem best for the interest of said Institute; *Provided,* that no portion of them shall be expended, vested or used in any manner, other than in strict accordance with the will of the donors, pursuant to the provisions of this chapter; *and provided,* such donation shall not be contrary to the laws of the land.

SEC. 2. The said fifteen trustees, whose number shall never exceed twenty, and their successors in office, shall forever hereafter have full power and authority to

Power of
Board of Trustees.

direct and manage the funds for the benefit of the Institute, to prescribe and direct the course of study, and the discipline to be observed in the said Institute, to elect from their own number or otherwise fifteen persons to be called the board of visitors of the said Institute, and who may have joint ballot with themselves in determining the course of study, and the conferring of all degrees; and said trustees shall also have power to select and appoint a President of the Institute, and such professor or professors, tutor or tutors, who shall constitute a faculty for the education and government of the pupils, and such other officer or officers as the said trustees shall deem mete; *Provided always*, that the aforesaid professors, and tutors and other officers be elected with the concurrence of the President of the Institute. All the officers of the Institute shall hold their office during the pleasure of the trustees; *Provided always*, that no member of the faculty shall be dismissed by the trustees without cause, previously stated to him or her in writing, and a full opportunity allowed him or her for his or her defence, and by a majority of the trustees; *and provided further*, that no professor or other officer shall be eligible to the office of trustee.

SEC. 3. Any five of the said trustees lawfully convened as hereinafter directed, shall be a quorum for the transaction of all business, except for the disposal of real estate or for the choice of an instructor, or for the election of Trustees, for either of which purposes there shall be at least a majority of the whole number of the board.

Quorum.

SEC. 4. The President of the Institute shall always be *ex officio*, a member of the board of Trustees and chairman of the same. A Secretary and Treasurer of the board shall be elected by the trustees, to hold their offices during the pleasure of the board.

Officers.

SEC. 5. Said Trustees shall have the power by the majority aforesaid, to elect and appoint, upon the death, resignation, or other vacancy of the place or places of any trustee, other or others, in his or their place or places, or stead, as often as such vacancy shall happen, and also to make and declare vacant the seat of any trustee who shall absent himself for any term of two successive years or from any four successive meetings duly notified, or shall otherwise prove himself deficient in official duty or moral character, and they shall have power to meet from time to time upon their own adjournments, and as often as they shall be summoned by the chairman or president, or in his absence by the senior trustee, whose seniority shall be accounted, according to the order in which the said trustees are named in this act, and shall

Vacancies—
how filled.

be elected hereafter; *Provided always*, that the said chairman or president or the senior trustee, shall not summon a meeting of the corporation unless requested to do so in writing by three of the members; *and provided also*, that he cause the notice of the time and place of said meeting to be given in such manner as the trustees shall in their by-laws prescribe.

SAC. 6. The said trustees and their successors, shall ^{May confer} have power and authority to grant all such literary ^{degrees.} honors and degrees, as are usually granted by any similar Institution or seminary of learning in this State or in the United States, and in testimony of such grants, to give suitable diplomas, under their seal and the signature of the president and board of trustees, which diplomas shall entitle their possessors respectively, to all the immunities and privileges which, either by usage or by statute, are allowed to possess of similar diplomas, from any other similar institute or seminary of learning.

SAC. 7. The said trustees and their successors, shall have full power and authority to make all ordinances and by-laws which to them shall seem expedient, for carrying into effect the designs of their institution; *provided always*, that such ordinances or by-laws shall not make religious tenets of any person, a condition of admission to any privilege in said Institute, and that no president, professor or other member of the faculty be compelled by law or otherwise, to subscribe to any religious tenets whatsoever; *provided also*, that none of the by-laws as aforesaid, shall be inconsistent with the constitution and laws of this State or with those of the United States.

F. BUCHANAN,

Speaker of the House of Representatives.

J. M. ANDERSON,

Speaker of the Senate.

Passed; January 28, 1848.

CHAPTER CLXXXIV.

An Act to authorize Caleb Ellis to open a Turnpike Road in Roane and Morgan counties.

Be it enacted by the General Assembly of the State of Tennessee, That Caleb Ellis of the county of Roane is hereby authorized to open a turnpike road, beginning at the foot of Cumberland Mountain, near Jesse Kumbrough's or John Brown's old place, in Roane county, and leading thence along the best and most practicable route to intersect Scott's road in Morgan county,

SEC. 2. *Be it enacted,* That said road shall be commenced and finished within three years from the passage of this act; it shall not be less than sixteen feet in the clear, free from obstructions, highest in the middle of the road, well drained, and when necessary the streams, on which said road shall pass, shall be well bridged and the road mile marked. Description of road.

SEC. 3. *Be it enacted,* That the county courts of the counties of Roane and Morgan, upon the application of said Caleb Ellis, shall appoint two commissioners from each county, who shall review said road; and upon their reporting in writing to the county court of each county, that said road has been finished, according to the provisions of this act, which report shall be filed away by the clerks of said county courts, then the said Caleb Ellis shall be authorized to receive and exact the following tolls: for drove hogs or sheep one cent per head; for drove horses or mules five cents per head; for man and horse ten cents; for six horse wagons seventy-five cents; for two wheel ox-wagons twenty-five cents; for four wheel wagons thirty cents. Rates of toll.

SEC. 4. *Be it enacted,* That the county courts of Morgan and Roane counties shall each appoint one commissioner, whose duty it shall be once in every year, to examine the road in their respective counties, and if said road is out of repair, it shall be the duty of the commissioner within whose county said road is out of repair, to notify the said Caleb Ellis, and if within thirty days after notification is received, said [road] still remains out of repair, the said Caleb Ellis shall be liable to pay the sum of twenty dollars, one half to the person who will sue for the same, and the other half to the county in which said road may be situate. Commissioners to examine road.

SEC. 5. *Be it enacted,* That the aforesaid Caleb Ellis shall have the use and benefit of said road for ninety nine years, on condition that he make and keep the road, under the provisions of this act. *Provided,* said com-

missioners shall be allowed one dollar per day for their services as commissioners, necessarily employed in performing their duty as such, to be paid by the proprietor of said road. The citizens of the counties of Morgan and Roane, shall be exempt from paying toll upon said road when passing and re-passing to or from court, muster, elections, mill, blacksmith shop or church.

SEC. 6. *Be it enacted,* That Thomas Shirly and William Arnett are hereby authorized to open and keep in repair a turnpike road extending from the north bank of the Ottawah creek near Harrison in Hamilton county, to the west bank of Candy's creek, near Cleveland in Bradley county, and on the most direct and practicable route between said towns, crossing White Oak Mountain at Mahan's Gap; and said proprietors shall have the privilege of keeping a toll gate on said road at or near the western base of said mountain, and shall receive the same toll, construct their road in the same manner, have the same rights and privileges, and be subject to the same liabilities, as far as the same are applicable, as are prescribed in a charter for a turnpike road, granted to Thomas P. Kelly at the present session; and James Goodman of Hamilton county and _____, of Bradley county, are hereby appointed commissioners on said road.

SEC. 7. *Be it enacted,* That John O. Johnson, and William Hickman, Jr., be authorized to open and keep in repair a turnpike road, commencing at or near a place called Foster's Point in Bledsoe county, thence across Walden's Ridge, the most practicable route, so as to intersect the county road in Hamilton county at or near Robert Patterson's in Tennessee Valley; and the said proprietors shall have the privilege to keep one gate on the said Walden's Ridge, and shall receive the same toll, and in all things, so far as can be made applicable to this charter, be governed by a charter granted to Thomas P. Kelly, at the present session of the General Assembly; and Robert Caulter and Lewis Patterson of Hamilton county, and William Foster of Bledsoe county, be appointed commissioners on said road.

F. BUCHANAN,

Speaker of the House of Representatives.

J. M. ANDERSON,

Speaker of the Senate.

Passed, February 4, 1848.

CHAPTER CLXXXV.

An Act to incorporate the Nashville Manufacturing Company, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Preston Hay, Thomas C. Seuoss, and all other persons who shall subscribe for stock in the company, which this act is intended to incorporate, be, and they are hereby constituted and declared to be a body politic and corporate, by the name and style of "the Nashville Manufacturing Company." Incorporation

SEC. 2. *Be it enacted*, That said company shall have perpetual succession of members: that its capital stock may be extended to one hundred thousand dollars, which shall be divided into shares of five hundred dollars each, and shall be deemed personal property, and be transferable on the books of said company, under such regulations and restrictions as said company, by its by-laws, may prescribe. Capital stock,

SEC. 3. *Be it enacted*, That said company may purchase and hold, in fee simple, such real estate as may be required for the purpose of carrying on the manufacture of all goods, of which cotton or wool may form the whole or a part, and for the establishment of flouring or grist-mills, and the construction of such machinery as may be necessary or advantageous for carrying on any of the above named branches of manufacture. May hold real estate.

SEC. 4. *Be it enacted*, That said company may sue and be sued, in all courts of law and equity; may have and use a common seal, and make such by-laws for the regulation and government of its affairs, as may be deemed proper; *Provided*, The same be not inconsistent with the laws and constitution of this State or of the United States. May make by-laws.

SEC. 5. *Be it enacted*, That the affairs of said company shall be managed by a board of five directors, to be chosen from amongst the stockholders annually, by a plurality of votes, each stockholder having one vote for every share of stock he may own; and said board, when elected, shall choose one of its own members president thereof; all of whom shall hold their office until successors be chosen. Officers.

SEC. 6. *Be it enacted*, That said board shall have power to call for, and demand from said stockholders, the payment of the sums subscribed for by them, to the capital stock of said company, in such instalments as they may deem best for the interest of the company; and may have power, either to declare such shares, as may Calls of instalments.

not be paid for according to the calls made upon them, forfeited to the company, or to proceed against such delinquent stockholders by action of debt, before any tribunal having cognizance thereof.

SEC. 7. *Be it enacted,* That the board of directors, of said company, shall annually, at the expiration of its term of office, make a written and full exhibit to the stockholders of the transactions of the year, showing the amount received and the sources whence received; the amounts disbursed, and the purposes for which disbursed; the amount on hand, and together with such other information or recommendations as may be called for or deemed important to the interests of the company.

SEC. 8. *Be it enacted,* That the board of directors shall have no power to bind the company, by any contracts or agreements, to a greater amount than the capital stock subscribed; but, in case of their attempting to do so, the individual directors, or those of them participating in such attempt, shall be responsible in their private property and estate to the parties injured.

SEC. 9. *Be it enacted,* That when sixty shares shall have been subscribed, the stockholders, in full meeting, or at a meeting, in which three-fourths of the stock subscribed shall be represented, reasonable notice of the time and place of such meeting having been given to all the stockholders, shall proceed to organize the company by the election of directors; which board of directors, so elected, shall forthwith proceed to discharge the duties imposed upon them by this charter.

SEC. 10. *Be it enacted,* That there be established in the county of Tipton, in this State, a manufacturing company; and that the subscribers thereto, and their associates and successors, are hereby incorporated and constituted a body politic and corporate, in fact and in name, to be known by the name and style of the Tipton Manufacturing Company, to have succession for ninety-nine years, for the purpose of grinding grain and manufacturing flour and meal, and for the purpose of sawing plank and other lumber; and by that name, they and their successors shall be, and are hereby made capable in law, of suing and being sued, plead and being impleaded, and answering and being answered unto in all courts whatsoever, and of having and using a common seal, and to be entitled to and enjoy all the privileges, and exercise all the rights conferred by an act, passed on the 19th January, 1848, entitled "an act to incorporate the Memphis Manufacturing Company."

SEC. 11. *Be it enacted,* That books for the subscription to the stock of said company shall be opened at

Sharon and Covington, in the county of Tipton, under the superintendence of the following commissioners, viz: Charles A. Clement, James McCauly, William A. Somerville, S. W. Malone and J. McClary, or any three of them, at any time that they may deem proper, after giving ten days notice thereof; and shall keep said books open until the stock of said company, or fifteen thousand dollars thereof be subscribed.

SEC. 12. *Be it enacted*, That the capital stock of said Capital Stock. company, shall not be less than twenty thousand dollars, and may be increased to one hundred thousand dollars, to be divided into shares of one hundred dollars each; and so soon as one hundred and fifty shares of said stock shall be subscribed for, it shall be the duty of said commissioners to give ten days notice for the election of five directors of said company, who shall be elected by the subscribers to the stock of said company, under the same rules prescribed by the act for the election of directors in the Memphis Manufacturing Company; and the said board of directors shall organize and be governed in all things, according to the provisions of the act in reference to the said Memphis Manufacturing Company.

F. BUCHANAN,
Speaker of the House of Representatives.

J. M. ANDERSON,
Speaker of the Senate.

Passed, January 31, 1848.

CHAPTER CLXXXVI.

An Act to incorporate the Campbell and Anderson Turnpike Company.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That James Archer, William Perkins, Laban Sharp, and William Walker, jr., of the county of Campbell, James W. Turner, Lewis Miller, and Jacob Loy, of the county of Anderson, and such other persons as they may choose to associate with them, be, and are hereby created a corporation, and are authorized to open, establish and keep in repair a turnpike road, equal to a first class road, by the laws of this State; Incorporation.
beginning on the Kentucky line, in Campbell county, Route of road.
near the Lot, and running so as to pass through Big Creek

Gap, in Campbell county, to the road running through Powell's Valley from Jacksborough to Cumberland Gap; thence the most practicable route across Powell's and Clinch river, to Loy's X Roads, in Anderson county; thence by way of James W. Turner's, Blain's X Roads, Nance's Ferry, and thence to Chucky river, in such direction, and at such point, as the company may think proper, with the privilege of terminating said road at any point said company may choose, between Blain's X Road and Chucky river, or at said river, as they may think proper.

SEC. 2. *Be it enacted,* That said company shall open, build and make said road equal to a first class road, according to the laws of Tennessee, at all places where the ground, over which said road passes, will admit of it to be done, and shall erect bridges and causeways where necessary.

Description of road.

SEC. 3. *Be it enacted,* That David Sharp, and Alfred Ager, of Campbell county, Alfred Sharp, and Pleasant Rogers, of Anderson county, are hereby appointed to view said road; and when the said company shall give them notice the said road is opened, and in good repair, from the Kentucky line to the Powell's Valley road, it shall be the duty of said commissioners to attend and view said road, and if they find it opened in the manner prescribed by this act, then the said commissioners shall, and they are hereby authorized and required to issue a license, under their hands and seals, to said company, to erect a toll gate on said road, at any point they may think proper, north of the Powell's Valley road, and shall be entitled to the following toll, to wit: for each six horse wagon, drawn by six horses, mules or oxen, seventy-five cents; for each four horse wagon, drawn by four horses, mules or oxen, fifty cents; for each two horse wagon, drawn by two horses, mules or oxen, twenty-five cents; for each pleasure carriage, drawn by two or more horses or mules, fifty cents, if drawn by one horse or mule, twenty-five cents; for each man and horse, ten cents; for each led horse or mule, five cents; for each head of horses, mules or cattle, in a drove, two cents; for each head of sheep or hogs, in a drove, one cent.

Rates of toll.

SEC. 4. *Be it enacted,* That it shall be the duty of said commissioners, by this act appointed, to examine and view said road once in every six months, and often-er if necessary, on information, they may think proper to do so; and if, at any time, the said commissioners shall find said road not in the repair contemplated by this act, it shall be their duty to open said gate, and keep the same open while the road remains out of repair, and

Gates to be opened when road is out of repair.

until the proprietors shall notify them that said road is in the repair contemplated by this act, and on receiving such notice, it shall be the duty of said commissioners to examine said road, and should it be found in the repair contemplated by this act, it shall be the duty of said commissioners to shut the gate for receiving toll.

SEC. 5. *Be it enacted*, That no person shall be required to pay toll for passing upon said road, who may be going to or returning on neighborhood business, or who may be going to or returning from court, muster, elections, church or mill. When exempt from toll.

SEC. 6. *Be it enacted*, That if any person or persons shall pass said gate arbitrarily or within one mile thereof for the purpose of avoiding the toll, such person or persons shall forfeit and pay for every such offence, to said company of said road, the sum of twenty dollars, to be recoverable by warrant, before any justice of the peace in this State. Penalty for avoiding toll:

SEC. 7. *Be it enacted*, That so soon as said company shall complete said road to Blain's Roads, in Grainger county, they shall be at liberty of erecting another toll gate at any point they may think proper, between James W. Turner's, in Anderson county, and Blain's Roads, in the county of Grainger, and shall be entitled to the same toll, and be governed by the same rules and restrictions as prescribed in the third section of this act, in relation to the gate authorized to be erected in Campbell county. Second toll gate.

SEC. 8. *Be it enacted*, That so soon as said company shall complete said road, and provided the same be continued to Chucky river, said company shall be entitled and authorized to erect another gate at such point, upon said road, as the commissioners of said road may direct, and shall be governed by the same rates of toll as prescribed for, at other gates established under this act. Third toll gate.

SEC. 9. *Be it enacted*, That the proprietors, or company of said turnpike road, shall have the same measured and mile marked, and shall keep the same in good repair, as required by this charter.

SEC. 10. *Be it enacted*, That said company shall have two years for the completion of said road, from the Kentucky line to the Powell's Valley road, after which time they shall have eighteen months to finish said road. Time to complete road.

SEC. 11. *Be it enacted*, That this charter is hereby given to the said company, their heirs and assigns, for the term of thirty-five years. That the commissioners appointed by this act, shall, before entering upon the duties of their appointment, subscribe the following oath: Oath of Commissioners.

"I do solemnly swear, that I will well and truly perform the duties enjoined on me by this act, according to the best of my knowledge and abilities—So help me God." And the said commissioners shall be entitled to receive, at the rate of one dollar per day for every day they may be necessarily engaged in performing the duties enjoined on them by this act, to be paid by the proprietors of said turnpike roads.

SEC. 12. *Be it enacted,* That an act, passed January 30th, 1846, entitled "an act to charter the Sevier County Turnpike Road," be amended as follows, to wit: That Allen S. Bryan, John W. Trundle, William Catlett, Wm. S. J. Ford, John Mullendore, John Walker, David McMahan, William Ogle, sen., M. W. McCown, David Mullendore, Joseph Snapp, and George McMahan, be appointed commissioners of said road, who shall open books on the first Monday of June, 1848, for the purpose of raising funds for the construction of said road.

SEC. 13. *Be it enacted,* That the above named commissioners, be, and they are hereby incorporated a turnpike company, to be called and known by the name of the Sevier County Turnpike Company, and that they shall have the further time of two years, from and after the passage of this act, to complete said road.

SEC. 14. *Be it enacted,* That the further time of thirty days be allowed for the delivery of the Journals of the present General Assembly at the seat of government.

SEC. 15. *Be it enacted,* That the 3d section of the act of 1845-6, chap. 139, be so amended, that all persons residing within one-half mile of the Bean's Station turnpike road, who may be assigned by the county court to work any other public road, shall be exempt from working on said turnpike road.

F. BUCHANAN,

Speaker of the House of Representatives.

J. M. ANDERSON,

Speaker of the Senate.

Passed, February 5, 1848.

CHAPTER CLXXXVII

An Act to incorporate the Nashville and Sparta Rail Road and Mining Company.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That for the purpose of working ^{Incorporation.} the coal mines on the Cumberland mountain, in the neighborhood of Sparta, in White county, and transporting the same to Nashville and other places upon the Cumberland river, the formation of a company is hereby authorized, which, when formed, shall be a body corporate, by the name and style of the "Nashville and Sparta Rail Road and Mining Company," and by said corporate name, shall be capable in law, to buy, receive by gift, hold, sell and convey real and personal estate, as hereinafter provided, make contracts, sue and be sued, make by-laws, and to do all lawful acts, necessary and proper for the transaction of the business for which it is incorporated, and to have and use a common seal, and the same to alter and destroy at its pleasure, and shall have perpetual succession of members.

SEC. 2. Books for subscription of four thousand ^{Books opened for subscription} shares of the capital stock of said company of fifty dollars each, shall be opened on second Monday of June, 1848, and shall be kept open for six days between the hours of ten o'clock in the morning and four o'clock in the evening of each of those days, at the following places, and by the following commissioners, to wit:

At Nashville, by Alexander Allison, Joseph B. Knowles, John Nichol, William Nichol, John W. Brown, Samuel Morgan and Ammon L. Davis.

At Sparta, by William Glenn, John Warren, William M. Young, William G. Sims, John W. Simpson and William Bosson.

SEC. 3. The said commissioners or a majority of them, at each of the places aforesaid, shall secure subscriptions for stock in the said Rail Road and Mining company, during the time the said books are directed to be kept open, and on each share so subscribed, shall demand and receive the sum of fifty cents, without which the subscription shall be void.

SEC. 4. As soon as the time for receiving subscriptions as aforesaid, shall have expired, the said commissioners shall deposit the money in the State Bank, to the credit of the Nashville and Sparta Rail Road and Mining Company, and subject to the order of the president of the board or commissioners hereinafter appointed; and shall also forward a correct list of all the subscribers to the ^{Money to be deposited in bank.}

said stock, with the number of shares each subscriber has taken, to the board of commissioners, to be composed of the following persons: William Nichol, James J. Gill, Joseph B. Knowles, Samuel Morgan and V. K. Stevenson, who may establish rules to govern their proceedings, choose their own president, and appoint such others officers and agents, as they may think proper, and prescribe their duties, and who, or a majority of whom, shall meet at Nashville on the first Monday in July next, ascertain the whole number of shares taken in said company, and publish the same in some newspaper published in Nashville, on or before the second Monday of July next; and if the number of two thousand shares shall have been subscribed, on each of which there shall have been paid fifty cents, the Nashville and Sparta Rail Road and Mining Company shall be considered as formed, and thenceforth and from the day of the closing of the books of subscription as aforesaid, the said subscribers to the stock, shall form a body politic and corporate, in deed and in law, by the name and for the purpose aforesaid, and in all things to be represented by the board of commissioners aforesaid, until the election of a board of directors as hereinafter prescribed.

When company
formed.

SEC. 5. If on closing the books aforesaid, the number of one thousand shares shall not have been subscribed, then and in that case the said board of commissioners, by themselves or their agents, may receive subscriptions till the number of thousand shares shall be taken, and whenever that number of shares shall be subscribed, the company shall be considered as formed, as having a corporate existence as aforesaid, and of which notice shall be given as herein before directed, any may proceed to survey the route for the road and make an estimate of the cost of its construction. Nevertheless, no conclusive and binding location of the road shall be made by the board of commissioners, but the same be left to the determination of the first board of directors chosen by the stockholders. And the said board of commissioners may by themselves or their agents, at such times and places as they may think proper, and upon such terms as to time and manner of payment as they may deem expedient, receive additional subscription until the number of four thousand shares shall have been subscribed, upon which the company may be formed, and the subscribers shall thenceforth form a body corporate as aforesaid; *Provided*, the same be done, on or before the first day of January, 1854; and for the residue of the original number of four thou-

May receive
further sub-
scription.

sand shares, the said corporation, when organized, may in like manner, receive additional subscriptions.

SEC. 6. In case more than four thousand shares shall have been subscribed on closing the books when they are first opened, the shares shall be reduced to that number, by deducting the surplus shares from the highest subscribers, placing them on equality of members as far as can be done, and after such reduction, the holders of the remaining shares shall form a company and be interested therein, in proportion to the number of shares which they may then respectively hold. Reducing stock

SEC. 7. If on closing the books on the first day of January, eighteen hundred and fifty, the number of one thousand shares shall not have been subscribed, the money paid by each subscriber shall be returned to him by the said board of commissioners, after defraying the expenses of opening the books and making a survey and map of the route and estimate of the cost of the road, which the said commissioners are hereby authorized to have made as soon as practicable.

SEC. 8. The affairs of said company shall be managed by a board of directors to consist of fifteen, who shall be chosen by the stockholders from their own body, and a president of the company shall be elected by the directors from among their own members, in such manner as the regulations of the corporation shall prescribe. Board of Directors.

SEC. 9. As soon as the number of thousand shares shall have been subscribed, it shall be the duty of the commissioners appointed to declare the same, to appoint a time for the stockholders to meet in Nashville, and give notice thereof by publication in some of the newspapers of Nashville, at which time and place the said stockholders, in person or by proxy, shall proceed to elect the directors of the company, and to enact all such regulations, rules and by-laws, as may be necessary for the government of the corporation and the transaction of its business. The persons elected directors at this meeting shall serve for such period, not exceeding one year, as the stockholders may direct; and at this meeting the stockholders shall fix on the day and place or places, where the subsequent elections of directors shall be held; and such elections shall thenceforth be annually made. But if the day of annual election should pass without any election of directors, the corporation shall not be thereby dissolved, but it shall be lawful on any other day to hold and make such elections in such manner as may be prescribed by the by-laws of the corporation. Directors—how and when elected.

SEC. 10. The board of directors may fill up all va-

Vacancies—
how filled. cancies which may occur in it, during the period for which the board shall have been elected; and in the absence of the president may fill his place by electing a president *pro tempore*.

Contracts by
President bind-
ing without seal. SEC. 11. All contracts and agreements authenticated by the president of the board, shall be binding on the company without seal, or such other mode of authentication may be used as the company by their by-laws may adopt.

Contracts not
to exceed capi-
tal. SEC. 12. The board of directors shall not exceed in their contracts, the amount of the capital of the corporation, and of the funds which the company may have borrowed and placed at the disposal of the board; and in case they should do so, the president and directors who may be present at the meeting at which such contract or contracts so exceeding the amount aforesaid shall be made, shall be jointly and severally liable for the excess, both to the contractor or contractors, and the corporation. *Provided*, That any one may discharge himself from such liability by voting against such contract or contracts, and causing such vote to be recorded on the minutes of the board, and giving notice thereof to the next general meeting of the stockholders.

How calls may
be made. SEC. 13. The board of directors may call for the payment of forty nine dollars and fifty cents, on each share of stock in sums not exceeding two dollars in every thirty days: *Provided*, That twenty days notice be given of such call in at least one public newspaper of the State in which any of the stockholders may reside; and a failing to pay or securing to be paid, according to the rules of the company, any of the instalments so called as aforesaid, shall induce a forfeiture of the share or shares on which default shall be so made, and all payments thereon, and the same shall vest in, and belong to the company, and may be restored to the owner or owners by the board of directors, if they deem proper on the payment of all arrears on such shares and legal interest thereon, or the directors may waive the forfeiture after thirty days default, and sue the stockholders for the instalments due, at their discretion.

Transfer of
stock. SEC. 14. The stock of said company may be transferred in such manner and form as may be directed by the by-laws of said corporation.

Capital may be
increased. SEC. 15. The said company may at any time increase its capital to a sum sufficient to complete the said road, and stock it with every thing necessary to give it full operation and effect, either by opening books for new stock, or by selling such new stock, or by borrowing money on the credit of the company, and on the

mortgage of its charter and works; and the manner in which the same shall be done in either case shall be prescribed by the stockholders at a general meeting; and any State, or any citizen, corporation or company of this or any other State or country, may subscribe for and hold stock in said company, with all the rights and subject to all the liabilities of any other stockholder.

SEC. 16. The board of directors shall once in every year at least, make a full report on the state of the company and its affairs to a general meeting of the stockholders, and oftener if directed by the by-laws and shall have power to call a general meeting of the stockholders when the board may deem it expedient. Directors to make annual report.

SEC. 17. No person but a citizen of the United States, and being a *bona fide* stockholder in his own right of at least five shares, which he shall have held at least three months previous to his election (except at the first election) shall be president or a director of the company; nor shall any stockholder vote in person or by proxy at any general or other election (except the first) who shall not have held in his own right the shares on which he offers to vote, at least three months previous to such election. Qualifications of President and Directors.

SEC. 18. Stockholders may vote in person or by proxy; and in the election of directors, and in voting on all questions which come before a meeting of the stockholders, or which may be submitted to the decision of the stockholders in any other manner, the vote shall be taken according to the following scale: the owner of one or two shares shall be entitled to one vote; the owner of not less than three nor more than four shares shall be entitled to two votes; the owner of not less than five nor more than six shares, shall be entitled to three votes; the owner of not less than seven nor more than eight shares to four votes; the owner of not less than nine nor more than eleven shares, to five votes; the owner of not less than twelve nor more than fifteen shares to six votes; the owner of not less than twenty-one nor more than twenty-six shares to eight votes; the owner of not less than twenty-seven shares, nor more than thirty-three to nine votes; the owner of not less than thirty four nor more than forty shares to ten votes; and the owner of every ten shares above forty shall be entitled therefor to one vote. *Provided*, that no individual, corporation or company, shall be entitled to more than two hundred votes. Scale of votes.

SEC. 19. The said company may purchase, have and hold in fee, or for a term of years, any lands, tenements or hereditaments which may be necessary for said road. May hold lands

or appurtenances thereof, or for the erection of depositories, storehouses, houses for the officers, servants or agents of the company, or for workshops or founderies to be used for the said company, or for procuring timber, stone, or other materials necessary for the construction of the road or its appurtenances, or for effecting transportation thereon, and for necessary purposes.

Right to cross road and water course. SEC. 20. The said company shall have the right, when necessary, to construct the said road, or any branch thereof, across, or along any public road or water course; *Provided*, That the said road, and the navigation of such water course shall not be thereby obstructed; *And provided further*, That such rail road shall not be located so near any turnpike road as to injure or prejudice the interests of the stockholders in such turnpike road, except upon such terms, as may be agreed upon by the president and directors of the same, on behalf of the stockholders.

May purchase bridges & road SEC. 21. The said company may purchase, have and hold, any bridge or turnpike road over which it may be necessary to carry the said railroad; and when such purchase is made, to hold the said bridge or turnpike road on the same terms, and with all rights which belong to the individual, individuals or corporation from which such purchase may be made; *Provided*, The said company shall not obstruct any public road without constructing another, as convenient as may be.

Commissioners SEC. 22. Where any lands or right of way may be required by the company for the purpose of constructing their road, and for want of agreement as to the value thereof, or for any other cause, the same cannot be purchased from the owner or owners, the same may be taken at a valuation to be made by five commissioners or a majority of them, to be appointed by the Circuit Court of the County where some part of the land or right of way is situated, and the said commissioners, before they act, shall severally take an oath, before some justice of the peace, faithfully and impartially to discharge the duty assigned them. In making the said valuation, the commissioners shall take into consideration the loss or damage which may occur to the owner or owners in consequence of the land being taken or the right of way surrendered, and also the benefit and advantage, he, she or they may receive from the creation or establishment of the railroad or works, and shall state particularly the nature and amount of each, and the excess of loss and damage, over and above the benefit and advantage, shall form the measure of valuation of the said land or right of way. The proceedings of

Damages—how assessed & recovered

the said commissioners accompanied with a full description of the said land or right of way, shall be returned under the hands and seals of a majority of the commissioners to the court from which the commission issued, there to remain of record. In case either party to the proceedings shall appeal from the valuation to the next session of the court granting the commission, and give reasonable notice to the opposite party of such appeal, the Court shall order a new valuation to be made by a jury, who shall be charged therewith in the same term, or as soon as practicable, and their verdict shall be final and conclusive between the parties, unless a new trial shall be granted, and the lands or right of way so valued by the commissioners or jury, shall vest in the said company in fee simple, so soon as the valuation may be paid, or when refused, may be tendered.— When there may be an appeal as aforesaid from the valuation of commissioners by either of the parties, the same shall not prevent the works intending to be constructed from proceeding; but where the appeal is by the company requiring the surrender, they shall be at liberty to proceed in their works only on condition of giving the opposite party a bond with good security, to be approved of by the Clerk of the Court, where the valuation is returned, in a penalty equal to double the said valuation, conditioned for the payment of said valuation and interest, in case the same be sustained; and in case it be reversed, for the payment of the valuation thereafter to be made by the jury and confirmed by the court; *Provided*, That when the land cannot be had by gift or purchase, the operations of the work are not to be hindered or delayed during the pending of any proceeding to assess its value as aforesaid; nor shall any injunction or supersedeas be awarded by any judge or court to delay the progress of said work.

SEC. 23. In the absence of any contract with the said company in relation to lands through which the said road may pass, signed by the owner thereof, or by his agent, or any claimant or person in possession thereof, which may be confirmed by the owner, it shall be presumed that the land upon which the said road may be constructed, together with a space of one hundred feet on each side of the centre of said road has been granted to the company by the owner thereof, and the said company shall have good right, and title thereto, and shall have, hold and enjoy the same as long as the same be used only for the purposes of the road and no longer, unless the person or persons owning the said land at the time that part of the road which may be on said land

In absence of contract, right of way presumed.

was finished; or those claiming under him, her or them shall apply for an assessment for the value of the said lands, as hereinbefore directed, within five years next after that part of said road was finished. And in case the said owner or owners, or those claiming under him, her or them shall not apply for such assessment within five years next after the said part was finished, he she or they shall be forever barred from recovering the said land or having any assessment or compensation therefor; *Provided*, Nothing herein contained shall affect the right of *femes covert* or infants until two years after the removal of their respective disabilities.

**Intrusions—
how punished** SEC. 24. If any person shall intrude upon the said rail road or any part thereof, by any manner of use thereof, or of the rights and privileges connected therewith, without the permission, or contrary to the will of said company, he, she or they shall forthwith forfeit to the said company all the vehicles that may be so intruded on said road, and the same may be recovered by suit at law; and the person or persons so intruding, may also be indicted for a misdemeanor, and upon conviction, fined and imprisoned by any court of competent jurisdiction.

**Damage to
road, how pun-
ished.** SEC. 25. If any person shall wilfully and maliciously destroy, or in any manner hurt, damage, or obstruct the said railroad or any bridge, or any vehicle used for, or in the transportation thereon, such person or persons so offending, shall be liable to be indicted therefor, and on conviction shall be imprisoned not more than six nor less than one month, and pay a fine not less than twenty-five dollars; and shall be further liable to pay all the expenses of repairing the same; and it shall not be competent for any person so offending against the provisions of this clause, to defend himself by pleading or giving in evidence that he was the owner, or the agent or servant of the owner of the land where such destruction, hurt, damage, injury or obstruction was done or caused, at the time the same was caused or done.

**Obstructions,
how removed.** SEC. 26. Every obstruction to the safe and free passage of vehicles on the said road shall be deemed a public nuisance and may be abated as such by an officer, agent or servant of the company, and the person causing such obstruction may be indicted and punished for creating a public nuisance.

**Rights of trans-
portation.** SEC. 27. The said company shall have the right to take at the store houses they may establish or annex to their railroad, all goods, wares, merchandize and produce intended for transportation, prescribe the rules of propriety, and charge and receive such just and rea-

reasonable compensation for storage as they, by rules, may establish, (which they shall cause to be published) or as may be fixed by agreement with the owner, which may be distinct from the rates of transportation; *Provided*, That the said company shall not charge or receive storage on goods, wares, merchandize or produce which may be delivered to them at their regular depositories for immediate transportation, and which the company may have the power of transporting immediately.

SEC. 28. The profits of the company or so much thereof as the board of directors may deem advisable, shall, when the affairs of the company will permit, be semi-annually divided among the stockholders in proportion to the stock each may hold. Dividends.

SEC. 29. The said company is hereby expressly prohibited from carrying on any banking operations, but may effect insurance on lives and property transported on the road. Prohibited from banking.

SEC. 30. Whenever in the construction of said road, it shall be necessary to cross or intersect any established road or way, it shall be the duty of the company to construct said road across such established road or way so as not to impede the passage or transportation of persons or property along the same; and where it shall be necessary to pass through the land of any individual it shall be their duty to provide for such individual, a proper wagon-way or ways across said road, from one part of his land to the other. Not to obstruct other roads.

SEC. 31. The said company shall possess such additional powers as may be convenient for the due and successful execution of the powers granted in this charter, and for the successful construction and management of the work. Additional powers.

SEC. 32. This charter shall be amendable, from time to time by the Legislature, whenever the president and directors shall unanimously petition for amendments, specifying in the petition the nature of such amendments, and when such amendments shall be adopted by the Legislature and submitted to the directory, and be accepted and adopted unanimously by the president and directors, they shall be obligatory on the stockholders, and not otherwise. Amendments to charter, how made.

SEC. 33. The company shall have full power and authority to purchase and own such number of slaves as may be necessary for the construction of the said road and for keeping the same in repair. May hold slaves.

SEC. 34. If by a decree or otherwise the said corporation shall be dissolved, the president and directors of said company are created trustees with such powers Officers to be trustees in case of dissolution.

only as may be necessary to collect the debts due the company, preserve the property, pay the debts and distribute the property and effects of the company to those who may be entitled thereto under the charter.

Capital stock **exempt from taxation.** **Sac. 35.** The capital stock of said company shall be forever exempt from taxation, and the road with all its fixtures and appurtenances, including workshops, warehouses and vehicles of transportation, shall be exempt from taxation for the period of ten years from the completion of the road, and no longer.

Location of road. **Sac. 36.** That said corporation in locating said road, shall begin at or near the crossing of the Caney Fork, at Sligo on the road from Smithville to Sparta, and pass through the town of Sparta, to the Coal Banks, near and above said town, and they shall have full power to make branches to any coal fields in the vicinity of the eastern terminus of said road.

F. BUCHANAN,

Speaker of the House of Representatives.

J. M. ANDERSON,

Speaker of the Senate.

Passed, January 26, 1848.

CHAPTER CLXXXVIII.

An Act to charter the Longhollow Turnpike Company, in the county of Sumner, and for other purposes.

Incorporation. **SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That Daniel Montgomery, George E. Dismukes, William Shaw, Robert Taylor, Daniel Nye and Bennet E. Douglass, be appointed commissioners to open books for the purpose of receiving subscriptions, for the purpose of building a turnpike road commencing at the Nashville and Kentucky turnpike road, at or near the point where the old upper Nashville road now intersects the same, to be erected on or near the line of said old road, through the Longhollow to station Camp creek, in the county of Sumner, at the Rawings old place. The said subscriptions may be made payable in money or work, to be performed on said road, to an amount sufficient to build the same, and so soon as subscriptions sufficient shall be made, said commissioners shall call a meeting of the stockholders at the house of Daniel Nye, by giving ten days notice in

writing of the time and place of said meeting; and after said stockholders and such persons as may thereafter become stockholders, shall be and are hereby constituted a body politic and corporate, by the name of the Long-hollow turnpike company, and shall so continue, and may own, sell and buy property, sue and be sued, plead and be impleaded, in all the courts in this State, or elsewhere, and be entitled to all the rights, powers and privileges, and subject to the conditions, limitations and restrictions granted and conferred upon the Lebanon and Nashville turnpike company by charter, passed 12th February, 1836, except so far as the provisions of this act are inconsistent with the same.

Sec. 2. *Be it enacted*, That persons subscribing may subscribe and take so much of said road designating the part and distance so taken, which shall be built and finished by the person or persons so subscribing, in a good and substantial turnpike manner, to be graded twenty feet wide, cuts and fills to be made so as to reduce the grade to four degrees, and metttled with stone or good gravel twelve inches deep and twelve feet wide, with sufficient culverts and water drains on the sides and across the road where necessary. And the said subscriptions in work shall be made as follows: the first mile or half mile, and so on completing the distance, commencing where said road will intersect the Nashville and Kentucky turnpike. If two or more subscriptions shall take the same portion of the road, the board of directors shall decide who shall have it, having due regard for the interest of the company.

Subscription
paid in work.

Sec. 3. *Be it enacted*, That the stockholders or a majority of them, shall call a meeting, and elect five stockholders as directors of said company, who shall appoint one of their body president of the board, who shall hold their office two years, and until another election to fill their places, and ten days notices of said elections shall be given in a newspaper published in the town of Gallatin. The president and directors shall have power to designate the time and place of meeting; and to appoint such officers and agents, as may be necessary, to transact the business of the company and prescribe their duties and fix their salaries.

Election of
Directors.

Sec. 4. *Be it enacted*, That so soon as five miles of said road shall be subscribed for, whether in money or work, the election of directors shall take place, and said road shall be laid down by a majority of the stockholders; and if the whole of such road shall not be taken in work, but part of the stock in money, the president and directors shall let out to the lowest bidder, such part re-

only as may be necessary to collect the debts due the company, preserve the property, pay the debts and distribute the property and effects of the company to those who may be entitled thereto under the charter.

Sec. 35. The capital stock of said company shall be forever exempt from taxation, and the road with all its fixtures and appurtenances, including workshops, warehouses and vehicles of transportation, shall be exempt from taxation for the period of ten years from the completion of the road, and no longer.

Sec. 36. That said corporation in locating said road, shall begin at or near the crossing of the Caney Fork, at Sligo on the road from Smithville to Sparta, and pass through the town of Sparta, to the Coal Banks, near and above said town, and they shall have full power to make branches to any coal fields in the vicinity of the eastern terminus of said road.

F. BUCHANAN,

Speaker of the House of Representatives.

J. M. ANDERSON,

Speaker of the Senate.

Passed, January 26, 1848.

CHAPTER CLXXXVIII.

An Act to charter the Longhollow Turnpike Company, in the county of Sumner, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That Daniel Montgomery, George E. Dismukes, William Shaw, Robert Taylor, Daniel Nye and Bennet E. Douglass, be appointed commissioners to open books for the purpose of receiving subscriptions, for the purpose of building a turnpike road commencing at the Nashville and Kentucky turnpike road, at or near the point where the old upper Nashville road now intersects the same, to be erected on or near the line of said old road, through the Longhollow to station Camp creek, in the county of Sumner, at the Rawings old place. The said subscriptions may be made payable in money or work, to be performed on said road, to an amount sufficient to build the same, and so soon as subscriptions sufficient shall be made, said commissioners shall call a meeting of the stockholders at the house of Daniel Nye, by giving ten days notice in

...at after said road is com-
 ... Turnpike Company shall
 ... between the junction of
 ... of Gallatin, and receive
 ... pay to the said Ridge
 ... incorporated, such portion
 ... companies shall agree upon

maining unsubscribed for as aforesaid, and apply the funds of the company in the payment of the same.

Time allowed to complete road. SEC. 5. *Be it enacted,* That the work on said road shall be commenced within twelve months from the passage of this act; and said road finished to Station Camp creek, within four years thereafter, or this charter shall be forfeited.

Valuation of work. SEC. 6. *Be it enacted,* That when the work upon said road shall be completed, such part of said road, as shall have been built by stockholders subscribing to build so much thereof, the stockholders shall have a meeting, and examine and fix upon the value of the work done upon said road by each of said stockholders so subscribing. And if they cannot agree, then three valuers shall be appointed by a majority of the stockholders unconnected with the parties; who shall proceed to value each stockholder's work done on said road, which valuation shall be reported to the president and directors of the company; and which shall be placed upon the books of the company, and constitute so much stock in said turnpike company belonging to the stockholder or his assigns, who may have done the work.

Stock, when forfeited. SEC. 7. *Be it enacted,* That in the event of any stockholders failing to perform and complete, in a turnpike manner, his or their part of the road, within the time specified by this charter for the completion of said road, he or they, shall forfeit his or their stock in said road to said company; and the president and directors proceed to put said portion of the road under contract in the best way for the interest of the company.

Road may be extended. SEC. 8. *Be it enacted,* That the president and directors may extend said road up Station Camp creek to intersect the Red river turnpike road, at or near Cotton's old place, under the provisions of this act.

Rates of toll. SEC. 9. *Be it enacted,* That whenever said road shall be completed, according to the provisions of this charter, from the Nashville and Kentucky turnpike road to Station Camp creek. Said company shall have power to erect not more than two gates and receive at the same rates of toll charged by the Gallatin turnpike company on their road.

Ridge Branch Turnpike Company incorporated. SEC. 10. *Be it enacted,* That Thos. C. Douglass, Edmond Green, William E. Douglass, Isaac Baker, sen. James M. Lucas, John Baker, Nicholas Stone, H. B. Vaughan, and Harris Odam, or such of them as shall subscribe for stock in the Company, herein after named, and their associates and successors be, and they are hereby constituted a body corporate and politic, by the name and style of the Ridge Branch Turnpike Com-

pany, for the purpose of constructing a Turnpike Road in the county of Sumner, commencing at the Gallatin and Ridge Turnpike Road near Young N. Douglass's, and running as near as practicable on the line of the old road leading from Gallatin past James Douglass's to the ridge, a distance of about four miles; and said company when formed shall by their corporate name have power to sue and be sued, plead and be unpleaded in all the courts of this State or elsewhere, and have and enjoy all the rights and privileges secured to the Gallatin and Cumberland Turnpike Company by the charter, passed 13th January 1844, and amendments thereto at the present session of the General Assembly, and subject to all the restrictions and liabilities contained in said charter, and shall be built and constructed agreeably to the requirements of the before mentioned charter of the Gallatin and Cumberland Turnpike Company.

SEC. 11. *Be it enacted*, That the capital stock of said Company shall be ten thousand dollars, to be divided into shares of twenty-five dollars each, and books for subscription of said stock shall be opened in the town of Gallatin, by Thos. C. Douglass, Isaac Baker, H. B. Vaughan, and Edward Green, or any three of them, at such time as they shall deem expedient after giving ten days notice of the time, and so soon as a sufficient amount shall be subscribed to construct the road, the subscribers shall elect five of their number directors who shall hold their office one year, and until another board is elected and qualified, said board shall elect one of their body president and appoint all necessary officers, and proceed to locate and lay out said road, and put the same under contract for construction.

SEC. 12. *Be it enacted*, That the stock in said road may be paid in money or work, and the work performed by each stockholder shall be valued by three disinterested appraisers to be chosen by the stockholders, and constitute so much stock in the road: and said company shall have until the 1st day of September, 1849, to commence said work, and three years thereafter to finish the same, and in case of failure then this charter to be void.

SEC. 13. *Be it enacted*, That after said road is completed, the Gallatin and Ridge Turnpike Company shall be empowered to erect a gate between the junction of said two roads and the town of Gallatin, and receive tolls thereat; *Provided*, That they pay to the said Ridge and Branch Company herein incorporated, such portion of said tolls as the said two companies shall agree upon

Capital Stock.
Stock paid in money or work.

Gallatin and Ridge turnpike company may erect gate.

in writing, which agreement when made shall be binding upon the parties.

Thos. Mabry's Turnpike. SEC. 14. *Be it enacted*, That Thomas Mabry, of the county of Warren, have two years from and after the passage of this act, to open and complete his turnpike road, granted to him by charter, passed on the 31st January, 1844, and that Daniel Walden, John Gillentine and John Mitchel be and they are hereby appointed commissioners in place of John Payne and William Washington.

F. BUCHANAN,

Speaker of the House of Representatives.

J. M. ANDERSON,

Speaker of the Senate.

Passed, February 5, 1848.

CHAPTER CLXXXIX.

An Act to incorporate Minerva College for the education of young Ladies.

Incorporation SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That S. E. Jones, J. M. Barnes, G. M. McQuiddy, J. S. Fall, and T. Fanning, be and they are hereby constituted a body politic and corporate, by the name and style of the Trustees of Minerva College, and by that name may have succession for five hundred years, with full power and authority to sue and be sued, plead and be impleaded, answer and be answered unto in any court of law or equity in this State, and to have a corporate seal, which they may change or alter at pleasure.

Capital stock, SEC. 2. *Be it enacted*, That the capital stock of said company may be one hundred thousand dollars, which the Trustees, or any number of them, or stockholders may own upon such conditions as may be agreed upon by the Trustees; and any portion of said fund, may be subscribed as stock, received as donations, or otherwise, as the trustees may determine.

Power of Trustees. SEC. 3. *Be it enacted*, That the trustees may have power to increase their number to eleven, and to elect others at any meeting regularly called, when vacancies occur, to make and declare vacant the seat of any trustee, who may neglect the business of the College for one year, or for any conduct not becoming the dignity

and responsibility of his station. They shall also have authority to meet from time to time upon their own adjournment, and so often as they may be summoned by their president, who shall be elected at the first meeting in each year, or in his absence, by the senior trustee, present, whose seniority shall be accounted according to the order in which the said trustees are named in this act, or as they may be hereafter elected.

SEC. 4. *Be it enacted*, That any three of the trustees lawfully convened shall constitute a quorum to do business.

Quorum.

SEC. 5. *Be it enacted*, That the trustees shall have full power and authority to prescribe the course of studies, make laws for the institution, to elect such officers, professors and teachers as they may deem necessary; and the said officers, professors and teachers shall constitute the faculty of the institution, to whom shall be committed the superintendence of the college, and the trustees shall have power to make, amend, or alter all by-laws, not inconsistent with the laws of the United States, or this State.

May make
by-laws.

SEC. 6. *Be it enacted*, That it shall be the duty of the trustees to attend the examinations of the pupils, and report annually the progress of the college, giving the names of the trustees, faculty and students, and such other information as they may deem advantageous to the college.

Shall report
annually.

SEC. 7. *Be it enacted*, That as full a course of English studies, and ornamental branches, as is in use in the best female academies of the country, shall be prescribed by the trustees, and the usual and appropriate honors conferred; also as full a course of classical, mathematical and scientific learning, shall be introduced, as exists in the best colleges of the country for young gentlemen, for the purpose of giving females equal advantages with the other sex, and such degrees and honors shall be conferred as the trustees may think suitable and equivalent to the honors of colleges for the opposite sex. In testimony of such honors, the trustees shall give diplomas under their seal and signatures.

Course of study

SEC. 8. *Be it enacted*, That the said Minerva College may be established at any place in Tennessee, which the trustees may select, and that so soon as a location shall be made they may appoint such agents as they may think suitable, to explain the objects of the college, and perform such other duties as the trustees may think best calculated to advance the interests of the institution.

Trustees may
locate College.

SEC. 9. *Be it enacted*, That the trustee first named

in this act, or in his absence, the second, shall have authority to call a meeting of the board, as soon as practicable, to make arrangements for establishing said college.

Union University. **SEC. 10.** *Be it enacted,* That the trustees of Union University, be, and they are hereby appointed trustees of Bradley Academy, in the county of Rutherford. And that the said Trustees of Union University may use the academy building, and the lot belonging thereto, so long as the University may remain in the town of Murfreesboro'.

F. BUCHANAN,
Speaker of the House of Representatives.
J. M. ANDERSON,
Speaker of the Senate.

Passed, January 31, 1848.

CHAPTER CXC.

An Act to incorporate the town of La Grange, in the county of Fayette, to extend the corporate limits of Somerville and Jonesboro, and for other purposes.

Incorporation. **SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That the town of La Grange, in the county of Fayette, and the inhabitants thereof, be and they are hereby incorporated, and constituted a body politic, by the name and style of the Mayor and Aldermen of the town of La Grange, and shall have perpetual succession; and by their corporate name may sue and be sued, plead and be impleaded, grant, receive, purchase, and hold real, mixed, and personal property and dispose of the same, for the use and benefit of the said corporation; and may have and use a common seal.

General powers. **SEC. 2.** *Be it enacted,* That the said corporation shall have full power and authority to enact and pass such laws and ordinances, necessary and proper to preserve the health and comfort of the town; to prevent and remove nuisances; to establish night watches and patrols; to ascertain when necessary, the boundary and location of streets, lanes and alleys, with the consent of the proprietors of the lots, adjoining such streets, lanes or alleys; to provide for licensing auctions; to restrain and prohibit gaming; and to provide for licensing, regulating and restraining immoral exhibitions and shows, within

the limits of said town; *Provided however*, they shall not be authorized to tax book auctions or chaste and scientific exhibitions; they shall be authorized and empowered to pave, and keep in repair the streets; and to pass all laws necessary for the same; to pave the side walks, and plant shade trees; to make embankments and other improvements, to prevent the streets and public roads from washing, to erect, build, lay out, and regulate public baths, promenade walks, and pleasure grounds; to establish and regulate markets; to provide for the establishment of fire companies; to erect and regulate pumps on the main streets; to prevent the running of horses, and to prevent the showing or exhibition of stud horses or jacks within the limits of said town; to impose and appropriate fines, penalties and forfeitures, for the breach of their by-laws or ordinances; to lay and collect taxes for the purpose of carrying the necessary measures and regulations into operation for the benefit of said town; to restrain and regulate tippling houses; and to pass all laws and ordinances, necessary to carry the intent and meaning of this act into effect; *Provided*, they are not incompatible with the constitution and laws of the United States or of this State.

SEC. 3. *Be it enacted*, That all fines and penalties, Fines & penalties—how covered. imposed by the by-laws and ordinances of said corporation, if within the jurisdiction, granted to Justices of the Peace, shall be recovered before the Mayor of said town, or any Justice of the Peace of the township, or district; and if exceeding that sum, before any court having jurisdiction thereof.

SEC. 4. *Be it enacted*, That at any time after the passage of this act, the Sheriff of the county of Fayette, if furnished with a certified copy of this act, shall after giving ten days notice, hold an election for a Mayor and six Aldermen, who shall hold their offices until the first Saturday in January, 1849, and until their successors are elected and qualified; and forever afterwards, the election shall be held on the first Saturday in January, in each and every year, or as soon thereafter as practicable; *Provided*, ten days notice thereof be given, should the election not be held on the day first named; and they, the Mayor and Aldermen, shall not be permitted to resign without good excuse shown; in case vacancies do occur, they shall be filled by persons holding a freehold in said town, or persons residing in said town, who are qualified to vote at said elections; but no person shall be e

Elections.

was finished; or those claiming under him, her or them shall apply for an assessment for the value of the said lands, as hereinbefore directed, within five years next after that part of said road was finished. And in case the said owner or owners, or those claiming under him, her or them shall not apply for such assessment within five years next after the said part was finished, he she or they shall be forever barred from recovering the said land or having any assessment or compensation therefor; *Provided*, Nothing herein contained shall affect the right of *femes covert* or infants until two years after the removal of their respective disabilities.

**Intrusions—
how punished** SEC. 24. If any person shall intrude upon the said rail road or any part thereof, by any manner of use thereof, or of the rights and privileges connected therewith, without the permission, or contrary to the will of said company, he, she or they shall forthwith forfeit to the said company all the vehicles that may be so intruded on said road, and the same may be recovered by suit at law; and the person or persons so intruding, may also be indicted for a misdemeanor, and upon conviction, fined and imprisoned by any court of competent jurisdiction.

**Damage to
road, how pun-
ished.** SEC. 25. If any person shall wilfully and maliciously destroy, or in any manner hurt, damage, or obstruct the said railroad or any bridge, or any vehicle used for, or in the transportation thereon, such person or persons so offending, shall be liable to be indicted therefor, and on conviction shall be imprisoned not more than six nor less than one month, and pay a fine not less than twenty-five dollars; and shall be further liable to pay all the expenses of repairing the same; and it shall not be competent for any person so offending against the provisions of this clause, to defend himself by pleading or giving in evidence that he was the owner, or the agent or servant of the owner of the land where such destruction, hurt, damage, injury or obstruction was done or caused, at the time the same was caused or done.

**Obstructions,
how removed.** SEC. 26. Every obstruction to the safe and free passage of vehicles on the said road shall be deemed a public nuisance and may be abated as such by an officer, agent or servant of the company, and the person causing such obstruction may be indicted and punished for erecting a public nuisance.

**Rights of trans-
portation.** SEC. 27. The said company shall have the right to take at the store houses they may establish or annex to their railroad, all goods, wares, merchandize and produce intended for transportation, prescribe the rules of propriety, and charge and receive such just and rea-

reasonable compensation for storage as they, by rules, may establish, (which they shall cause to be published) or as may be fixed by agreement with the owner, which may be distinct from the rates of transportation; *Provided*, That the said company shall not charge or receive storage on goods, wares, merchandize or produce which may be delivered to them at their regular depositories for immediate transportation, and which the company may have the power of transporting immediately.

SEC. 28. The profits of the company or so much thereof as the board of directors may deem advisable, shall, when the affairs of the company will permit, be semi-annually divided among the stockholders in proportion to the stock each may hold. Dividends.

SEC. 29. The said company is hereby expressly prohibited from carrying on any banking operations, but may effect insurance on lives and property transported on the road. Prohibited from banking.

SEC. 30. Whenever in the construction of said road, it shall be necessary to cross or intersect any established road or way, it shall be the duty of the company to construct said road across such established road or way so as not to impede the passage or transportation of persons or property along the same; and where it shall be necessary to pass through the land of any individual it shall be their duty to provide for such individual, a proper wagon-way or ways across said road, from one part of his land to the other. Not to obstruct other roads.

SEC. 31. The said company shall possess such additional powers as may be convenient for the due and successful execution of the powers granted in this charter, and for the successful construction and management of the work. Additional powers.

SEC. 32. This charter shall be amendable, from time to time by the Legislature, whenever the president and directors shall unanimously petition for amendments, specifying in the petition the nature of such amendments, and when such amendments shall be adopted by the Legislature and submitted to the directory, and be accepted and adopted unanimously by the president and directors, they shall be obligatory on the stockholders, and not otherwise. Amendments to charter, how made.

SEC. 33. The company shall have full power and authority to purchase and own such number of slaves as may be necessary for the construction of the said road and for keeping the same in repair. May hold slaves.

SEC. 34. If by a decree or otherwise the said corporation shall be dissolved, the president and directors of said company are created trustees with such powers Officers to be trustees in case of dissolution.

only as may be necessary to collect the debts due the company, preserve the property, pay the debts and distribute the property and effects of the company to those who may be entitled thereto under the charter.

Capital stock exempt from taxation. **Sec. 35.** The capital stock of said company shall be forever exempt from taxation, and the road with all its fixtures and appurtenances, including workshops, warehouses and vehicles of transportation, shall be exempt from taxation for the period of ten years from the completion of the road, and no longer.

Location of road. **Sec. 36.** That said corporation in locating said road, shall begin at or near the crossing of the Caney Fork, at Sligo on the road from Smithville to Sparta, and pass through the town of Sparta, to the Coal Banks, near and above said town, and they shall have full power to make branches to any coal fields in the vicinity of the eastern terminus of said road.

F. BUCHANAN,
Speaker of the House of Representatives.

J. M. ANDERSON,
Speaker of the Senate.

Passed, January 26, 1848.

CHAPTER CLXXXVIII

An Act to charter the Longhollow Turnpike Company, in the county of Sumner, and for other purposes.

Incorporation. **SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That Daniel Montgomery, George E. Dismukes, William Shaw, Robert Taylor, Daniel Nye and Bennet E. Douglass, be appointed commissioners to open books for the purpose of receiving subscriptions, for the purpose of building a turnpike road commencing at the Nashville and Kentucky turnpike road, at or near the point where the old upper Nashville road now intersects the same, to be erected on or near the line of said old road, through the Longhollow to station Camp creek, in the county of Sumner, at the Rawings old place. The said subscriptions may be made payable in money or work, to be performed on said road, to an amount sufficient to build the same, and so soon as subscriptions sufficient shall be made, said commissioners shall call a meeting of the stockholders at the house of Daniel Nye, by giving ten days notice in

writing of the time and place of said meeting; and after said stockholders and such persons as may thereafter become stockholders, shall be and are hereby constituted a body politic and corporate, by the name of the Long-hollow turnpike company, and shall so continue, and may own, sell and buy property, sue and be sued, plead and be impleaded, in all the courts in this State, or elsewhere, and be entitled to all the rights, powers and privileges, and subject to the conditions, limitations and restrictions granted and conferred upon the Lebanon and Nashville turnpike company by charter, passed 12th February, 1836, except so far as the provisions of this act are inconsistent with the same.

Sec. 2. *Be it enacted*, That persons subscribing may subscribe and take so much of said road designating the part and distance so taken, which shall be built and finished by the person or persons so subscribing, in a good and substantial turnpike manner, to be graded twenty feet wide, cuts and fills to be made so as to reduce the grade to four degrees, and mettled with stone or good gravel twelve inches deep and twelve feet wide, with sufficient culverts and water drains on the sides and across the road where necessary. And the said subscriptions in work shall be made as follows: the first mile or half mile, and so on completing the distance, commencing where said road will intersect the Nashville and Kentucky turnpike. If two or more subscriptions shall take the same portion of the road, the board of directors shall decide who shall have it, having due regard for the interest of the company.

Subscription paid in work.

Sec. 3. *Be it enacted*, That the stockholders or a majority of them, shall call a meeting, and elect five stockholders as directors of said company, who shall appoint one of their body president of the board, who shall hold their office two years, and until another election to fill their places, and ten days notices of said elections shall be given in a newspaper published in the town of Gallatin. The president and directors shall have power to designate the time and place of meeting; and to appoint such officers and agents, as may be necessary, to transact the business of the company and prescribe their duties and fix their salaries.

Election of Directors.

Sec. 4. *Be it enacted*, That so soon as five miles of said road shall be subscribed for, whether in money or work, the election of directors shall take place, and said road shall be laid down by a majority of the stockholders; and if the whole of such road shall not be taken in work, but part of the stock in money, the president and directors shall let out to the lowest bidder, such part re-

maining unsubscribed for as aforesaid, and apply the funds of the company in the payment of the same.

Time allowed to complete road. SEC. 5. *Be it enacted,* That the work on said road shall be commenced within twelve months from the passage of this act; and said road finished to Station Camp creek, within four years thereafter, or this charter shall be forfeited.

Valuation of work. SEC. 6. *Be it enacted,* That when the work upon said road shall be completed, such part of said road, as shall have been built by stockholders subscribing to build so much thereof, the stockholders shall have a meeting, and examine and fix upon the value of the work done upon said road by each of said stockholders so subscribing. And if they cannot agree, then three valuers shall be appointed by a majority of the stockholders unconnected with the parties; who shall proceed to value each stockholder's work done on said road, which valuation shall be reported to the president and directors of the company; and which shall be placed upon the books of the company, and constitute so much stock in said turnpike company belonging to the stockholder or his assigns, who may have done the work.

Stock, when forfeited. SEC. 7. *Be it enacted,* That in the event of any stockholders failing to perform and complete, in a turnpike manner, his or their part of the road, within the time specified by this charter for the completion of said road, he or they, shall forfeit his or their stock in said road to said company; and the president and directors proceed to put said portion of the road under contract in the best way for the interest of the company.

Road may be extended. SEC. 8. *Be it enacted,* That the president and directors may extend said road up Station Camp creek to intersect the Red river turnpike road, at or near Cotton's old place, under the provisions of this act.

Rates of toll. SEC. 9. *Be it enacted,* That whenever said road shall be completed, according to the provisions of this charter, from the Nashville and Kentucky turnpike road to Station Camp creek. Said company shall have power to erect not more than two gates and receive at the same rates of toll charged by the Gallatin turnpike company on their road.

Ridge Branch Turnpike Company incorporated. SEC. 10. *Be it enacted,* That Thos. C. Douglass, Edmond Green, William E. Douglass, Isaac Baker, sen. James M. Lucas, John Baker, Nicholas Stone, H. B. Vaughan, and Harris Odam, or such of them as shall subscribe for stock in the Company, herein after named, and their associates and successors be, and they are hereby constituted a body corporate and politic, by the name and style of the Ridge Branch Turnpike Com-

pany, for the purpose of constructing a Turnpike Road in the county of Sumner, commencing at the Gallatin and Ridge Turnpike Road near Young N. Douglass's, and running as near as practicable on the line of the old road leading from Gallatin past James Douglass's to the ridge, a distance of about four miles; and said company when formed shall by their corporate name have power to sue and be sued, plead and be unpleaded in all the courts of this State or elsewhere, and have and enjoy all the rights and privileges secured to the Gallatin and Cumberland Turnpike Company by the charter, passed 13th January 1844, and amendments thereto at the present session of the General Assembly, and subject to all the restrictions and liabilities contained in said charter, and shall be built and constructed agreeably to the requirements of the before mentioned charter of the Gallatin and Cumberland Turnpike Company.

SEC. 11. *Be it enacted*, That the capital stock of Capital Stock. said Company shall be ten thousand dollars, to be divided into shares of twenty-five dollars each, and books for subscription of said stock shall be opened in the town of Gallatin, by Thos. C. Douglass, Isaac Baker, H. B. Vaughan, and Edward Green, or any three of them, at such time as they shall deem expedient after giving ten days notice of the time, and so soon as a sufficient amount shall be subscribed to construct the road, the subscribers shall elect five of their number directors who shall hold their office one year, and until another board is elected and qualified, said board shall elect one of their body president and appoint all necessary officers, and proceed to locate and lay out said road, and put the same under contract for construction.

SEC. 12. *Be it enacted*, That the stock in said road may be paid in money or work, and the work performed by each stockholder shall be valued by three disinterested appraisers to be chosen by the stockholders, and constitute so much stock in the road: and said company shall have until the 1st day of September, 1849, to commence said work, and three years thereafter to finish the same, and in case of failure then this charter to be void. Stock paid in money or work.

SEC. 13. *Be it enacted*, That after said road is completed, the Gallatin and Ridge Turnpike Company shall be empowered to erect a gate between the junction of erect gate. Gallatin and Ridge turnpike company may said two roads and the town of Gallatin, and receive tolls thereat; *Provided*, That they pay to the said Ridge and Branch Company herein incorporated, such portion of said tolls as the said two companies shall agree upon

CHAPTER OXCII.

An Act to give to Obion County, a Director in the Branch of the Bank of Tennessee, at Trenton.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the counties of Obion and Henderson may have each a director in the Branch of the Bank of Tennessee, at Trenton, to be appointed as other directors are now appointed.

SEC. 2. *Be it enacted by the General Assembly of the State of Tennessee,* That the counties of Maury and Dickson be, and the same are hereby attached to the Nashville Bank District, and that there be a director for each of said counties, in the Bank of Tennessee, who shall be appointed as other bank directors are now appointed, and that they have all the powers, privileges and immunities of other bank directors in said bank, and that they be subject to the same rules, regulations and restrictions, that the other directors of said bank are subject to.

SEC. 3. *Be it further enacted,* That the counties of Humphreys & Hickman may have directors in bank. That the counties of Humphries and Hickman, be, and the same are hereby attached to the Nashville Bank District, and that there be a director for each of said counties in the Bank of Tennessee, who shall be appointed as other bank directors are appointed, and that they have all the powers, privileges, and immunities of other bank directors in said bank, and that they be subject to the same rules, regulations and restrictions, that the other directors in said bank are subject to. *Provided,* That five of the directors of said bank shall be a quorum to transact business as heretofore.

F. BUCHANAN,

Speaker of the House of Representatives.

J. M. ANDERSON,

Speaker of the Senate.

Passed, February 5, 1848

CHAPTER CXIII.

An Act to incorporate the Port Royal turnpike company, also the Clarksville and Hopkinsville turnpike company, and the New Providence turnpike company.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That all persons, who shall become stockholders pursuant to the provisions of this act, shall be and they are hereby constituted a body politic and corporate, by the name of the Port Royal Turnpike Company, and by that name may sue and be sued, and have and enjoy all the rights, privileges and powers appertaining to bodies politic and corporate by law, and shall have succession for ninety-nine years. Incorporation of Port Royal Turnpike.

SEC. 2. *Be it enacted,* That the capital stock of said company shall be sixty thousand dollars, with the privilege, should this be insufficient, of increasing the same to an amount necessary to complete the road, and that said capital stock be divided into shares of twenty-five dollars each. Capital Stock.

SEC. 3. *Be it enacted,* That George A. Washington, Robert D. Carr, B. J. L. Sims, Jesse S. Ellis, Robert B. Mitchell, James Darden, Benj. Mallory and Samuel Northington of the county of Robertson, and Phil. F. Norfleet, A. Gaines, Zach. Grant, Peter Peacher, John Neville, Thos. Cross and Joshua Elder of the county of Montgomery, shall be commissioners, who shall open books in Clarksville, Port Royal, and such other places as they may deem proper, after giving twenty days notice in some newspaper, and receive subscriptions for stock, for the purpose of making a turnpike road from Clarksville, running on the south side of Red river to Port Royal, thence the best and most direct route to the Nashville and Springfield road, intersecting it at or near Mrs. Hobbs' in the county of Davidson. Commissioners

SEC. 4. *Be it enacted,* That so soon as the sum of ten thousand dollars shall be subscribed, a meeting of the stockholders shall be held at Port Royal in the county of Montgomery, of which meeting the aforesaid commissioners shall give twenty days notice in some newspaper, and the stockholders, a majority of them being present or represented by powers of attorney, shall elect seven directors being stockholders, who shall elect one of their body president of the board of directors. The president and directors thus chosen shall continue in office two years, and until their successors shall be elected, which shall be done at the expiration of two years from the time of the first election, and biennially thereafter, of which twenty days notice shall be given in some news- Election of officers.

paper. The president and directors shall have power to receive subscriptions for the residue of the stock, to appoint commissioners, who are hereby authorized and required to proceed forthwith after their appointment, to mark out the most direct and suitable route for said road, and each of said commissioners shall be allowed the sum of two dollars for each day he shall be necessarily employed in performing the duty hereby prescribed, to be paid by the president and directors out of the funds of the company.

SEC. 5. *Be it enacted,* That the president and directors shall have power to make contracts for the opening and constructing of the road, which shall not be less than thirty feet wide, and, at least, eighteen feet of which shall be substantially gravelled or McAdamized. The road shall be graded to three degrees, and good substantial bridges shall be built, wherever it may be necessary.

SEC. 6. *Be it enacted,* That the president and directors may, as soon as they shall have completed five miles of said road, in the manner aforesaid, erect one toll gate at such point, as they may think proper; and for each additional five miles, so soon as completed, they may erect one toll gate and charge the same rate of toll as is charged on the Whites' creek turnpike. *Provided,* no gate shall be placed nearer to the corporate limits of Clarksville, than two miles; *and provided further,* that no person travelling less than three miles to or from the corporate limits of the town of Clarksville, on the Port Royal turnpike, shall be compelled to pay toll.

SEC. 7. *Be it enacted,* That the president and directors, or any five of them, shall be sufficient to transact ordinary business and all vacancies occurring in the board between the regular meetings of the stockholders, shall be filled by the directors, two thirds being present.

SEC. 8. *Be it enacted,* That the president and directors may, from time to time, require such advances on the shares subscribed, as the wants of the company may demand, *Provided,* no call shall be made for more than five dollars on each share at any one time, of which twenty days notice shall be given in some newspaper. They shall also have power, whenever they may deem it necessary, to call a meeting of the stockholders, by giving twenty days notice of the time and place. They may appoint a clerk, treasurer, and such other officers as may be necessary, prescribe the duties and fix the pay of all the officers or agents, and transact all the business of said company.

SEC. 9. *Be it enacted,* That in letting out said road under contracts, the directors shall give a preference to

stockholders desiring to work out their subscriptions; *Provided*, such stockholders will undertake contracts on as good terms as any other person or persons.

SEC. 9. *Be it enacted*, That the Port Royal turnpike company, shall have all the powers and privileges, and be subject to all the liabilities, which are enjoyed and incurred by the Lebanon and Nashville turnpike company, as prescribed in an act passed February 12th, 1836, incorporating said company, so far as the same may be consistent with and applicable to this act. Powers and Liabilities.

SEC. 10. *Be it enacted*, That all persons who shall become stockholders pursuant to the provisions of this act, of a turnpike road, leading from Clarksville Tennessee, to Hopkinsville, Kentucky, or to the State line between Tennessee and Kentucky, shall be, and they are hereby constituted a body corporate and politic by the name and style of the Clarksville and Hopkinsville Turnpike Company, and by that name may sue and be sued, and have and enjoy all the rights, privileges and powers, appertaining to bodies corporate and politic, by law, shall enjoy all the rights, and shall be subject to all the restrictions of the Port Royal Turnpike Company, as guaranteed and prescribed in the preceding sections of this act, and shall have succession accordingly for ninety-nine years. Clarksville & Hopkinsville Turnpike incorporated.

SEC. 11. *Be it enacted*, That Joseph Johnson, Thos. W. Barksdale, Wesley Wheless, Henry F. Beaumont, Walter H. Frane, Thos. Bailey, Smith Young, Albert Wheatley, Thomas Bowman and Joseph B. Fauntleroy, shall be commissioners, who shall open books at Clarksville, New Providence, and such other places as they may deem expedient and proper, after giving twenty days notice in a public newspaper, or newspapers, and receive subscriptions for stock for the purpose of making said Turnpike Road, from Clarksville to the Kentucky line, on the best and most practicable route towards Hopkinsville, Kentucky, which shall be laid off, and designated by said commissioners, or a majority of them agreeing and acting together. Commissioners

SEC. 12. *Be it enacted*, That the capital stock of said Clarksville and Hopkinsville Turnpike Company shall be forty-five thousand dollars, and the said company shall have the privilege of commencing the road when ten thousand dollars shall have been subscribed, and erecting a toll gate when five miles of the road shall have been finished, and an additional gate for every five miles when finished: *Provided*, that no toll gate shall be erected within less than two miles of the lower Red Capital Stock.
Toll Gates.

River Bridge, and not more than two toll gates shall be erected upon the road, under the provisions of this charter. *And provided further*, that no person travelling less than three miles to or from the corporate limits of the Town of Clarksville, on said Turnpike, shall be compelled to pay toll.

SEC. 13. *Be it enacted*, That all persons who shall become stockholders pursuant to the provisions of this act, of a Turnpike Road, leading from some point on the Cumberland river near New Providence, to the State line between Tennessee and Kentucky, near Chas. N. Merriwether's, shall be, and they are hereby constituted a body corporate and politic, by the name and style of the New Providence Turnpike Company, and by that name may sue and be sued, and have and enjoy all the rights, privileges and powers, appertaining to bodies politic and corporate by law, shall enjoy all the rights, and shall be subject to all the restrictions of the Port Royal Turnpike Company, as guaranteed and prescribed in the preceding sections of this act, and shall have succession accordingly for ninety-nine years.

SEC. 14. *Be it enacted*, That John W. Barker, Nace F. Trice, A. G. Wheatly, John Pollard, T. Bryarly, Archibald Anderson, and May Trice, shall be commissioners, who shall open books at New Providence, and such other places as they may deem expedient and proper, after giving twenty days notice in a public newspaper or newspapers, and receive subscriptions of stock for the purpose of making said turnpike road, from some point on the Cumberland river, near New Providence, to the Kentucky line, near the residence of Charles N. Merriwether, on the best, most direct and practicable route, which shall be laid off and designated by said commissioners, or a majority of them agreeing and acting together.

SEC. 15. *Be it enacted*, That the capital stock of said New Providence Turnpike Company shall be forty thousand dollars, and the said company shall have the privilege of commencing the said road when ten thousand dollars shall have been subscribed, and erecting a toll gate when five miles of the road shall have been finished, and an additional toll gate for every five miles, when finished. *Provided*, That no toll gate shall be erected within less than two miles of the junction of said road with the Cumberland river, and not more than two toll gates shall be erected on the road, under the provisions of this charter.

SEC. 16. *Be it enacted*, That the number of directors

in the Clarksville and Russellville Turnpike Company shall be reduced to twelve, a majority of whom shall be a quorum to transact business,

Clarksville
& Hopkinsville
Turnpike Co.

F. BUCHANAN,

Speaker of the House of Representatives.

J. M. ANDERSON,

Speaker of the Senate.

Passed, January 1, 1848.

CHAPTER CXCV.

An Act to reduce the number of directors in the Gallatin and Cumberland Turnpike Company.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That at the next annual election of directors, for the Gallatin and Cumberland Turnpike Company, that the individual stockholders shall elect only three directors, and the Governor, on the part of the State, shall appoint only three directors, in place of seven, as heretofore; and that the board of directors, for said company, shall forever hereafter consist of six directors, three on the part of individual stockholders, and three on the part of the State; and said board shall organize in the same manner, and possess and exercise all the powers in the management of the affairs of said company, heretofore exercised by the board of fourteen directors, and so much of the charter of said company, requiring the board of directors to consist of fourteen, be, and the same is hereby repealed, and a majority of said board of six shall be a quorum to transact business.

Directors re-
duced to six.

SEC. 2. *Be it enacted*, That the fourth section of the act of 1843, chapter 60, "To charter the Bank of East Tennessee," shall be so changed, as to require six instead of "twelve" directors, who may be elected on the first Monday in June, instead of the first Monday in January. And that the fourth article of section thirteen, be so changed, as to allow four instead of "five" directors to constitute a board for the transaction of business.

Bank of East
Tennessee.

SEC. 3. *Be it enacted*, That it shall be lawful for all the Macadamized turnpike roads, in which the State is a stockholder, to receive and collect, as toll at each gate, for all loaded wagons drawn by three horses, mules or oxen, twenty cents, and when unloaded they shall collect (10) ten cents at each gate; for all loaded wagons

Increased toll
on turnpike
roads.

drawn by four horses, mules, or oxen, they shall collect at each gate, twenty-five cents, and when unloaded, they shall collect ten cents; for all loaded wagons drawn by more than four horses, mules, or oxen, they shall collect five cents for each additional horse, mule or oxen attached to and drawing said wagons; and they shall collect for all unloaded wagons, drawn by more than four horses, mules or, oxen, fifteen cents at each gate. The turnpike companies shall have all the powers granted by their charters, to enforce the collection of the above rate of toll.

F. BUCHANAN,

Speaker of the House of Representatives.

J. M. ANDERSON,

Speaker of the Senate.

Passed, January 31, 1848.

CHAPTER CXCV.

An Act conferring upon the State of Georgia additional rights in relation to the Western and Atlantic Rail Road.

Be it enacted by the General Assembly of the State of Tennessee, That all the rights, privileges and immunities, with the same restrictions which are given and granted to the Nashville and Chattanooga Rail Road Company by the act of the General Assembly of this State, incorporating said company, passed December 11th, 1845, are, so far as they are applicable, hereby given to and conferred upon the State of Georgia, to be enjoyed and exercised by that State in the construction of that part of the Western and Atlantic Rail Road, lying in Hamilton county, Tennessee, and in the management of its business.

F. BUCHANAN,

Speaker of the House of Representatives.

J. M. ANDERSON,

Speaker of the Senate.

Passed, February 3, 1848.

CHAPTER CXCVI.

An Act for the encouragement and diffusion of literature and science in the State of Tennessee.

Whereas, knowledge and virtue being essential to the preservation of republican institutions, and the diffusion of the opportunities and advantages of education throughout the different portions of the State being highly conducive to the promotion of this end, and it being the declared duty of the General Assembly to cherish literature and science—Therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the acting trustees of the Clarks-^{Academy}ville Male Academy, are hereby authorized to transfer ground may be transferred, to the Masonic Grand Lodge of Tennessee, the grounds belonging to said Academy, upon condition that the Grand Lodge erect a College upon said grounds, and the trustees shall exact such other valuable consideration as the interest and rights of the State and county shall, in their good judgment, require.

SEC. 2. *Be it further enacted*, That the trustees of the counties of Hawkins and Claiborne, are hereby directed to pay all school monies now in their hands, or which may come to their hands hereafter, which may belong to the fractions stricken from said counties aforesaid, to form the county of Hancock, into the hands of the trustees of the said county of Hancock, and take his receipt therefor. ^{Hancock county entitled to school money.}

SEC. 3. *Be it enacted*, That the trustee of Hancock shall pay, as the law now directs, all sums coming to his hands by this act, to the common school commissioners of Hancock.

SEC. 4. *Be it further enacted*, That the county of Hancock shall be furnished with the several statutes of the State, compiled by Nicholson, and ordered to be distributed at this session, and also the acts and journals of the present session. ^{Statutes & acts to be furnished Hancock.}

F. BUCHANAN,

Speaker of the House of Representatives.

J. M. ANDERSON,

Speaker of the Senate.

Passed, February 4, 1848.

CHAPTER CXC VII.

An Act to alter the line between the counties of Grainger and Jefferson.

Be it enacted by the General Assembly of the State of Tennessee, That the line between Grainger and Jefferson counties be changed, so as said line to leave Panther's creek at or near Robert Potter's, sen., and strike it again at about forty rods west of the dwelling of William Rice, so as to include the dwelling and land of said Rice in the county of Jefferson.

F. BUCHANAN,

Speaker of the House of Representatives.

J. M. ANDERSON,

Speaker of the Senate.

Passed, February 3, 1848.

CHAPTER CXC VIII.

An Act to establish a Chancery Court at Dover in the county of Stewart, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the county of Stewart shall constitute a separate Chancery District, and that the court of the same shall be held by the Chancellor of the Middle Division of the State of Tennessee, at the court-house in the town of Dover, in the county of Stewart, on the first Mondays in April and October in each and every year. That it shall be the duty of said chancellor to appoint a clerk and master of said court, who shall give bond and security, and shall be subject to all the duties and liabilities now by law imposed upon said office.

Chancery court
established at
Dover.

SEC. 2. *Be it further enacted,* That it shall be lawful for the citizens of the counties of Montgomery and Humphries to file their bills in the Chancery Court hereby established at Dover, in the county of Stewart, and that the citizens of the county of Stewart, be permitted to file their bills in equity in the Chancery Court at Clarksville; and that said chancellor shall have power to hold special terms of said court at Dover.

Bills—where
filed.

SEC. 3. *Be it enacted,* That actions at law may be maintained on injunction bonds, at the election of the party interested in a recovery thereon.

SEC. 4. *Be it enacted*, That the Chancery Court at ^{Chancery court} Murfreesboro shall hereafter be held on the 4th Monday ^{at Murfreesboro} in April and on the 3d Monday in October in each and every year.

SEC. 5. *Be it enacted*, That the Chancery Court at ^{At Woodbury.} Woodbury, shall hereafter be held on the Thursday next preceding the second Monday in March and September; and that the first court at Woodbury under the provisions of this act be held in the month of September, 1848 on the day above indicated.

SEC. 6. *Be it enacted*, That an act entitled an act to ^{Circuit Courts} change the time of holding the Circuit Courts in the ^{in Benton and} counties of Benton and Carroll, passed the 23d day of ^{Carroll.} December 1847, be and the same is hereby repealed.

SEC. 7. *And be it further enacted*, That the Chancery ^{Chancery court} Court at Lexington shall hereafter be held on the 2d ^{at Lexington.} Mondays in June and December, in each and every year; *Provided*, That the first term of said court shall be held as now required by law.

F. BUCHANAN,

Speaker of the House of Representatives.

J. M. ANDERSON,

Speaker of the Senate.

Passed, February 4, 1848.

CHAPTER CXCIX.

An Act for the benefit of the Memphis Hospital.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the State tax on merchant's ^{Tax on Mer-} license, within the county of Shelby, be, and the same is ^{chant's license} hereby appropriated for and during the periods of two ^{appropriated to} years, from and after the first day of January, 1848, to ^{Hospital.} the exclusive use and benefit of the Memphis Hospital; and it is hereby made the duty of the county court clerk, of Shelby county, to pay to the trustees of said Hospital, the State tax on merchant's license as aforesaid for two years from and after the first day of January, 1848, whose receipt shall be a good and sufficient voucher for him in his settlement with the Comptroller of the Treasury of the State for the same.

SEC. 2. *Be it further enacted*, That if the Congress of

the United States shall make adequate appropriations for the support of the said Hospital, then the revenue herein appropriated to said Hospital, shall be paid into the Treasury of the State, and the appropriation herein made to said Hospital shall cease.

Faculty of
Memphis Medical
College appointed
trustees.

SEC. 3. *Be it enacted*, That the Faculty of the Memphis Medical College are hereby appointed additional Trustees of said college.

SEC. 4. The medical students of the different medical schools in Memphis shall be permitted to visit the hospital under the supervision of the attending physicians.

F. BUCHANAN,

Speaker of the House of Representatives.

J. M. ANDERSON,

Speaker of the Senate.

Passed, February 4, 1848.

CHAPTER CC.

An Act to amend the charter of the Lebanon and Nashville turnpike company.

Gates on arm
of road.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the directors of said company may remove and change the location of the gates on said road, by the action of the board, as they may think proper from time to time; *provided* 1st, that no gate shall be placed nearer than three miles to another; and 2d, that the gates shall not be so located that the travel upon the Stewart's ferry arm will have to pay at more than two gates to Nashville, and if a gate should be placed on the said arm, it shall not be more than one hundred feet from its junction, nor shall the travel upon said arm, which may turn upon the east end of the main road pay at the first gate on the same, nor shall the travel on the main road from the east, which may turn upon the said arm pay upon the same. There shall never be but two gates from the point of intersection of the said arm and the main road to the City of Nashville, nor shall there be any gate on the said arm, except as herein provided.

Number of
Directors.

SEC. 2. *Be it enacted*, That the number of directors in said company, shall, after the next election be six, one

half to be appointed by the Governor and the other by stockholders as heretofore.

SEC. 3. *Be it enacted*, That the stock in said road shall be personal property, and only transferable on the books of the Secretary, by the owner under his own hand, or by the Secretary in pursuance of written authority, to be filed, from the owner to said officer or the President. Stock—how transferred.

SEC. 4. *Be it enacted*, That the amendment of the said charter shall not take effect until the stockholders, meeting as they do in the elections of directors, shall give their written assent to the same, which shall be copied upon their minutes and filed.

SEC. 5. *Be it enacted*, That the further time of one year be given to the Murfreesboro' and Manchester turnpike company to complete their road. Murfreesboro' & Manchester road.

F. BUCHANAN,

Speaker of the House of Representatives.

J. M. ANDERSON,

Speaker of the Senate.

Passed, February 5, 1848.

CHAPTER CCL.

An Act to amend an act, entitled an act to incorporate the Duck River slack-water navigation company, passed January 15th, 1846.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That said corporation shall have full power and authority to make Insurance upon Ships, and other sea vessels and upon Steamboats, Flatboats, and other boats, upon freights, seamen's wages, goods, wares and merchandize, furniture, and other articles against fire, upon bottomry and respondentia, and to fix a premium thereon, and to make insurances on lives, and to accept and execute all such trusts of every description, as may be committed to them by any person or persons whatsoever or may be transferred to them. May make Insurance.

SEC. 2. *Be it enacted*, That all rights and privileges granted by this act, which have not heretofore been granted to any of the existing Insurance Companies in this State, shall be, and the same are hereby granted to them, and that any right or privilege heretofore granted to any existing insurance office in this State, is hereby Provisions extended to all Insurance Co.

extended to the corporation herein created, so as to place all institutions of the same kind on an equal footing.

SEC. 3. *Be it enacted*, That every stockholder in said corporation shall be held liable in his or her individual capacity, in proportion to the stock held by them respectively, and to its full amount, for the payment of the debts and liabilities of the said corporation; *Provided*, That said individual liability shall not be enforced until after judgment shall be first regularly obtained against said corporation, and execution issued and returned that no property of said corporation can be found to satisfy the same.

SEC. 4, *Be it enacted*, That Thomas A. Leftwich, James T. Moore, S. H. Armstrong, George W. Polk, M. G. Lewis, T. J. Kelly, P. M. Hornbeck and W. W. Coleman, be appointed in addition to those appointed by the said act of 1846, commissioners to open books for the subscription of stock to said company.

SEC. 5. *Be it enacted*, That the capital stock of said company for purposes of insurance, shall not exceed three hundred thousand dollars.

SEC. 6. *Be it enacted*, That said Company shall pay a bonus of two hundred dollars annually to the State for the privilege herein granted.

SEC. 7. *Be it enacted*, That should there at any time be stock subscriber sufficient to make one or more locks above Columbia on said river, the capital stock shall be increased accordingly, and the lock or locks be built under the same regulations and restrictions as before mentioned and provided for in this act.

F. BUCHANAN,

Speaker of the House of Representatives.

J. M. ANDERSON,

Speaker of the Senate.

Passed, January 28, 1848.

CHAPTER CCH.

An Act for the relief of Daniel McLean, Sheriff of Coffee county, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Treasurer of the State of Tennessee pay to Daniel McLean, Sheriff of Coffee county, sixty-four dollars, compensation to him for ar-

resting and taking the body of M. D. Wilson on a charge of manslaughter, and conveying him from the said county of Coffee to the jail of Weakley county, Tennessee, and that a receipt of such payment shall be a good voucher for the Treasurer upon settlement with the Comptroller.

SEC. 2. That the sum of one hundred dollars be and the same is hereby set apart and appropriated out of any monies in the Treasury, not otherwise appropriated, for the purpose of erecting a plain monument to the memory of Col. Abraham Hulse, formerly a member of the House of Representatives from the counties of Sullivan and Hawkins, and who died during the session of the Legislature of 1837 and 8, and whose remains lie interred in the vicinity of the city of Nashville; and that Joseph E. Manlove, of the county of Davidson, be appointed as an agent to superintend the building and erecting of said monument. Monument to
Abrah'm Hulse

SEC. 3. That the sheriffs of the several counties of this State shall hereafter be allowed the same fees, for conveying a prisoner from one county to another, who has been arrested upon a *capias ad respondendum* issued from another county, as is now allowed by law for conveying a prisoner from one jail to another; if the arrest has been for a felony, fees to be paid by the State, but if for a misdemeanor, to be paid by the county from which said *capias* may issue. Sheriff's fees
for removing
prisoners.

SEC. 4. That the Comptroller of the Treasury shall audit the claim of Ambrose Hitcherson, for the sum of eight dollars and forty cents, claimed by him as a witness in the case of the State against John Medlin, indicted for perjury in the circuit court of Henderson county, and if he find that he attended as a witness in said case, and has not been paid, he shall grant his warrant for said sum to be paid out of the Treasury. Ambrose Hitch-
erson's claim to
be audited.

F. BUCHANAN,

Speaker of the House of Representatives.

J. M. ANDERSON,

Speaker of the Senate.

Passed, February 5, 1848.

CHAPTER CCHH.

An Act, to charter the Rome and Round Lick Creek Turnpike Company in the counties of Smith and Wilson, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That J. H. Bedford, John Bridges, W. M. Price, W. W. Seay, Jas. S. Harris, R. W. Newby, Dennis Smith, Jonathan Bailey, H. P. Bane, Jas. Young, Jas. Berry, E. Lawrence, Gregory Moore, James Shelton, S. E. Belcher, James Gill and Robert McCall, be appointed commissioners to open books for the purpose of receiving subscription for the purpose of building a Turnpike Road from Rome in the county of Smith to the Lebanon and Sparta Turnpike, intersecting said turnpike at the three forks of Round Lick Creek, or some other eligible point in the county of Wilson. The said subscription may be made payable in money or in work to be performed on said road to an amount sufficient to build said road; so soon as subscription shall be made sufficient to build five miles of said road, a meeting of the stockholders shall be called by the commissioners at the town of Rome by giving ten days notice of the time of said meeting, after which meeting, the said stockholders, and those who may thereafter become stockholders, shall be and are hereby constituted a body politic and corporate by the name of the Rome and Round Lick Creek Turnpike Company, and shall so continue and may own, sell and buy property, sue and be sued, plead and be impleaded, in their corporate name and character, and have and enjoy and possess all the rights, powers and privileges, and subject to the conditions, limitations and restrictions granted and imposed upon the Lebanon and Nashville Turnpike Company, by virtue of the charter granted 12th February, 1836, except so far as the provisions of this act and the laws of this State are inconsistent with said charter of the 12th February, 1836.

SEC. 2. *Be it enacted,* That persons subscribing may subscribe and take so much of said road designating the part, and distance of the road so taken, which part so taken shall be built and finished by him or them, so subscribing, in a good and substantial turnpike manner. The said subscription in work shall be as follows: The first one half mile or mile and so on computing the distance from Rome to the Lebanon and Sparta Turnpike. If two or more subscribers shall take the same part of the road, the board of directors shall designate which subscriber shall be entitled to said stock and do said

road, having a due regard to the interests of said company.

SEC. 3. *Be it enacted*, That the subscribers or a majority of them being present, may call a meeting; and shall elect eight directors who shall be stockholders, who shall elect one of their body President of the board of directors, who shall continue in office for two years, and until another election shall take place, to fill the place of which election, ten days notice shall be given by the Treasurer of said company, to take place in the town of Rome. The president and directors of said company shall have power at all times to designate the place of meeting as well as times, and power to appoint such officers as may be necessary to transact all the business of said company, and may prescribe the duties, and fix the salaries. Election of directors and officers.

SEC. 4. *Be it enacted*, That so soon as five miles of said road shall be subscribed for whether in money or work, the election of directors shall take place, and the said road shall be laid down, and located by a majority of said stockholders, and if the whole of said road shall not be taken to be paid in work, but a part of the stock taken in money, the president and directors of said company shall let out to the lowest bidder such part of the road remaining unsubscribed for as aforesaid, and apply the funds of said company to the payment of the same.

SEC. 5. *Be it enacted*, That the work on said road shall be commenced within two years from the passage of this act, and finished within five years. Time to commence & complete road.

SEC. 6. *Be it enacted*, That when the road shall be finished, and prepared for gates to be placed upon it, such part of the road as shall be built by stockholders subscribing to build so much of said road in work, the said stockholders shall have a meeting, and endeavor to fix upon the value of the work done upon said road by said stockholders so subscribing, and if said stockholders cannot agree as to the value thereof, three valuers thereof unconnected with the parties, shall be appointed by a majority of said stockholders, who shall proceed and value each stockholder's work done on the road as aforesaid, and that valuation shall be reported to the president and directors of said company, and placed upon the books of said company, and constitute so much stock in the said turnpike company, belonging to the stockholder, or his assigns, who may have performed said work. How work to be valued.

SEC. 7. *Be it enacted*, That in the event of any stockholder or undertaker, failing to perform and complete in a turnpike manner either with stone or gravel, his or When stock forfeited.

their part of the road so taken or subscribed as aforesaid, within four years from the passage of this act, all of said stock, and work done on the road as aforesaid shall be forfeited to said company. The president and directors shall open books for subscription for the stock either in money or work, as aforesaid, to complete each part of the road so forfeited to said company.

Gate.

SEC. 8. *Be it enacted*, That whenever the said road shall be completed five miles from the town of Rome, the said company shall erect one gate, and for every five miles thereafter, one gate; *Provided*, the number of gates shall not exceed three on said road; *And provided further*, That no gate shall be erected on said road nearer than one mile, either to the town of Rome, or the Lebanon and Sparta turnpike.

Description
of road.

SEC. 9. *Be it enacted*, That the builders of said road, may, if they see proper, use gravel or stone in the construction of said road, and the directors of said road may, at their discretion, have said road built with eight feet gravel or stone in width, and graded at four degrees, and opened twelve feet.

Alexandria
and Lancaster
Turnpike Co.
commissioners.

SEC. 10. *Be it enacted*, That Russel Marchbanks, William H. Christian, Jonathan Doss, James Tubb, William Fouch, Washington Close, Thomas Fisher, Robert Dowel, William Write and Nicholas Smith, be and they are hereby appointed commissioners to open books for subscription for stock, at such time and place as a majority of them may appoint, for the purpose of constructing a McAdamized or graded turnpike road, from some suitable point on the Lebanon and Sparta turnpike road near Alexandria, following the most practicable route to Lancaster.

Incorporation.

SEC. 11. *Be it enacted*, That the stockholders, and such as may become stockholders, shall be and they are hereby constituted a body corporate, by the name of the Alexandria and Lancaster turnpike company, and shall have and enjoy, and possess all the rights, powers and privileges; and subject to the conditions, limitations and restrictions granted and imposed upon the Rome and Round Lick creek turnpike company, except so far as the provisions hereinafter contained are inconsistent therewith.

Election of
officers.

SEC. 12. *Be it enacted*, That the subscribers, a majority of them being present, may call a meeting at such time and place as they may propose, for the purpose of electing a president, and such other officers as may be necessary, according to the 3d section of this act.

SEC. 13. *Be it enacted*, That one gate may be erected for every five miles of said road that is completed, *Pro-*

vided, no gate shall be erected on said road nearer than one mile, either to the town of Lancaster or the Lebanon and Sparta turnpike; *Provided*, said road may be built with eight feet gravel or stone in width, and opened twenty-feet, and graded at six degrees. Gates.

SEC. 14. *Be it enacted*, That Wm. J. Carter, Saml. W. Adkisson, J. Lewter, Martin Ursey and Wm. Dunn, be appointed commissioners, to open books for subscription to stock in a turnpike road, from the west end of Saml. W. Adkisson's road to Benj. Anderson's, a distance of seven miles, the road to be graded to 5½ degrees or less, with an average width of twenty feet, to be gravel in such parts of the creek and river bottoms as will be subject to get muddy, to build all necessary bridges except over Harpeth river, for which they may put up one toll gate and charge the same as is charged on the Nashville and Charlotte road, and when three thousand dollars shall be subscribed, the company shall be organized by the election of a board of directors, who shall be a body corporate, with all the powers possessed by, and subject to all the restrictions imposed upon the Richland turnpike company, and to be known as the president and directors of the Big Harpeth turnpike company, with a capital of twelve thousand dollars. Said company shall advertise and hold their meetings at Chesnut Grove Post Office on said road. Big Harpeth
Turnpike Com-
pany.

SEC. 15. *Be it enacted*, That if Saml. W. Adkisson, will do one fourth more work on his road, and reduce the toll on it, to the same as is charged on the Nashville and Charlotte road, that he, his heirs and assigns, shall have the right to charge and receive said toll, until the Legislature will cause to be paid to him, his heirs or assigns, a reasonable compensation, for all improvements, he or they may have made on said road, which payment shall revoke all the privileges granted to said Adkisson, and on the above conditions, the 6th section of an act granted to said Adkisson on the 4th of January, 1844, is hereby repealed. S. W. Adkisson's road.

SEC. 16. *Be it enacted*, That said company be and they are hereby authorized to charge and receive, for the term of three years, at the bridge across Harpeth river, the same tolls now allowed at either of the gates upon said road, which tolls shall be specially applied to cover the expense of completing said bridge. Bridge over
Harpeth river.

F. BUCHANAN,

Speaker of the House of Representatives.

J. M. ANDERSON,

Speaker of the Senate.

Passed, January 31, 1848.

CHAPTER CCIV.

An Act to amend and extend the charter of the turnpike road of which Ammon L. Davis is owner and proprietor, commencing at the terminus of the Lebanon turnpike road, East of Liberty and terminating near the White county line, to be called the Sligo Turnpike Road, and to incorporate the Jackson and Estinaula turnpike company, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the charter to a turnpike road, beginning at the terminus of the Lebanon turnpike, East of Liberty in DeKalb county, passing through Smithville, crossing the Caney Fork at Sligo and terminating near the White county line, be established in the name of Ammon L. Davis, to be called the Sligo Turnpike Road, with succession for ninety-nine years to said Ammon L. Davis or successors under the restrictions and rules hereinafter set forth and prescribed.

SEC. 2. *Be it enacted,* That the owner of said turnpike road shall open the same where said road passes over and along the bluffs of the Caney Fork where said road now runs, seventeen feet wide on both sides of the Caney Fork, with sufficient ditches on the upper side of said road with a sufficient number of culverts or under drains, well covered with stone in a substantial manner, to carry off the water passing along the same, and at or near the foot of the bluff on the east side of said river to erect a stone bridge with a culvert or under drain over a branch or gully at the foot of said bluff to be twenty feet wide; and shall also erect a safe and substantial wooden bridge across a branch between the river and foot of the bluff on the west side of said river, to be constructed of substantial materials, with stone pillars or abutments, and filled in with rock enclosed in substantial on both sides of said branch; the whole of said road from the top of the bluff on the east side of said river, at the top of the bluff on the west side of said river, at the crossing of the same by said road to be covered with broken lime stone rock, flint rock or river gravel, at the discretion of the proprietor of said road, twelve inches thick in the centre and eight inches in thickness at the edge of said road, which is herewith required to be highest in the centre, and gradually descending to each side of said road, and twenty feet in width on that part of the road lying between the foot of the bluff on the west side of said river: *Provided always,* that when said road passes over and along said bluff where the foundation thereof is rock, that broken rock or river gravel shall not be required, further than to fill the

holes or chasms found therein, rendering it safe and sound for the passage of carriages and horsemen:

SEC. 3. *Be it enacted*, That the said proprietor of said road or his successors, shall be authorized to receive the same rates of toll on said road as is now authorized by law to be received under the original charter of said road granted to Jesse Lincoln, and vested in said proprietor by purchase; and that any person or persons passing the gate on said road forcibly or clandestinely for the purpose of avoiding the payment of toll, shall be liable to forfeit and pay the sum of twenty-five dollars to be sued for and recoverable in the name of the proprietor of said road for the time being before any jurisdiction having cognizance thereof. Toll.

SEC. 4. *Be it enacted*, That the said Ammon L. Davis or his successor as proprietor of said road, shall be allowed the full space and term of four years to complete said road from the top of the bluff on the east side of the Caney Fork to the top of the bluff on the west side of said river upon the plan hereinbefore specified, and as to the rest and residue of said road, he shall keep the same in repair in all respects as required in the original charter to Jesse Lincoln, and on failure so to do, be subject to all the penalties, restrictions and liabilities imposed by said charter. Time allowed to complete road.

SEC. 5. *Be it enacted*, That all persons passing over said road, going to or returning from church, muster or mill, in a carriage, wagon, cart, or otherwise, shall pass the gate on said road without the payment of toll for the same. When exempt from toll.

SEC. 6. *Be it enacted*, That Daniel Smith, of the county of DeKalb, he, and he is hereby authorized to open a turnpike road from a point on the stage road leading from Sparta, White county to Liberty, in DeKalb county, commencing where the old Carthage road crosses said stage road in White county, and terminating at Smithville in DeKalb county, the same to cross the Caney Fork river at Shippingpoint, thence on the most practicable route to Smithville where it terminates, a distance of about ten miles. Daniel Smith may open turnpike road.

SEC. 7. *Be it enacted*, That said road shall be thirty feet wide, except on hills and mountains, which shall be twenty feet wide, cleared from all obstructions that may have a tendency to impede the passage of wagons, carts, carriages, and all other means of ordinary transportation; bridges are to be made of wood or stone as the case may demand; the bridges to be made at least sixteen feet wide, and to be built wherever thought necessary by the commissioners of said road; the hills shall Description of road.

be cut down and the valleys filled, so that in no case shall the elevation be more than six degrees, and ditches shall be cut so as to drain the water off from said road where it may be necessary.

Sec. 8. *Be it enacted,* That William McGor, of White Commissioners county, and Thomas Dourham, John Welmoth and William B. Lawrence, of DeKalb county, are hereby appointed commissioners on said road, and shall view the same, and when they shall find the same in repair as herein contemplated and required by this act, shall license said proprietor to erect a gate on said road at which said proprietor shall receive the following toll, Rates of toll. viz: each four wheel wagon, fifty cents; for each cart, twenty-five cents; for each four wheel pleasure carriage, fifty cents; for each two wheel pleasure carriage, thirty-five cents; for each carryall, twenty-five cents; and for all other drafts drawn by horses, mules or oxen, twenty-five cents; for each man and horse or mule, ten cents; for each led horse or mule not in a drove, five cents; and for all kinds of stock in a drove, two cents: *Provided,* that said proprietor shall keep said road in the repair contemplated and required by this act, and on failure it shall be the duty of the commissioners to open said gate and no toll shall be collected or received until the proprietor shall comply with the provisions of this act.

Sec. 9. *Be it enacted,* That said proprietor shall have Time to complete road. the privileges and immunities as prescribed by this act for the term of ninety years, and shall have three years to complete said road: *Provided,* nothing herein contained shall prevent him from completing the same and carrying the provisions of this act into effect at an earlier period.

Sec. 10. *Be it enacted,* That if any person shall forcibly or clandestinely pass said gate for the purpose of evading the payment of toll, such person shall be liable to pay said proprietor twenty-five dollars, to be recovered before any Justice of the Peace by action of debt. Penalty for evading toll.

Sec. 11. *Be it enacted,* That whenever the Caney Rates of ferry. Fork river shall by reason of high water not be fordable, and it shall be necessary to ferry the same, the proprietor of said road shall be entitled to additional toll for the same, as follows: all wagons loaded or empty, twenty-five cents; all four wheel pleasure carriages, twenty-five cents; gigs, twenty cents each; carts, twenty cents each; man and horse or mule, ten cents each; all footmen, ten cents each; led horses or mules, five cents each; all kinds of stock in a drove, two cents a head.

Sec. 12. *Be it enacted,* That John Ingram, Thomas D. Tarver, William Harbert, James B. Neely, Samuel

Dunaway, Kinneth Garrett, John W. Campbell, James S. Lyon, Samuel Lancaster, Andrew Guthrie, Martin Cartmell and Hugh Lacy, are hereby appointed commissioners to open books for the purpose of receiving subscriptions to the amount of twenty thousand dollars, to be applied to the making of a turnpike road, which shall commence at Jackson and terminate at Estinaula. Said sum of twenty thousand dollars shall be divided into shares of fifty dollars each, and the subscription shall be in person, or by attorney regularly authorized; but if a larger sum shall be necessary to build the road, the capital may be enlarged to thirty thousand dollars. As soon as ten thousand dollars shall be subscribed, a meeting of the stockholders shall be held at Denmark, of which meeting the managers of the subscription shall give twenty days notice, in some newspaper printed in the town of Jackson. After which first meeting the subscribers shall be, and are hereby constituted a body politic and corporate, by the name of the Jackson and Estinaula Turnpike Company, and together with those who may afterwards subscribe for or purchase stock, shall have succession for ninety-nine years, and own, sell and buy property, sue and be sued, plead and be impleaded, in their corporate name and character, and have, enjoy and possess all the rights, privileges and powers appertaining by law to bodies corporate and politic. The subscribers or a majority of them, being present at the first meeting, shall elect seven directors, who shall be stockholders; who shall elect one of their number president of the board of directors, and the president and directors thus chosen, shall continue in office two years, and until another election shall take place, to fill their places, of which election, notice shall be given in some newspaper printed in Jackson. The president and directors thus chosen, shall have power to open books and receive subscription, as they may think best, for the remainder of the said sum of ten thousand dollars, or an amount sufficient to construct said road; and they shall have power, by themselves or other suitable person or persons to be appointed by them, to view and mark out the road, the nearest and best route from the point of commencement to the point of termination, as before designated. *Provided*, said road shall run through the town of Denmark. They shall also make contracts for the opening and construction of said road. They may from time to time, require such advances on the shares subscribed, as the wants of the company may require; *Provided*, that no call shall be made for more than five dollars on each share, at any one time, of which fifteen days

Jackson and
Estinaula turn-
pike company.

Election of
officers.

notice shall be given in some newspaper printed in the town of Jackson. Said president and directors shall have power, in all cases of emergency, to call a meeting of the stockholders or subscribers, by giving twenty days notice of the time and place, in some newspaper printed in the place aforesaid; they may also appoint a clerk, treasurer and such other officers as may be necessary, and transact all of the business of said company. They may prescribe the duties and fix the pay of all the officers or agents.

SEC. 13. If any subscriber shall fail to pay any calls that are made, by advertisement as aforesaid, his stock shall be sold to pay shall be sold for the amount of said call, and the purchaser shall have all the rights, and be subject to all the liabilities of the original owner, and if the stock does not bring the amount, the owner shall be liable to be sued for the balance, before any jurisdiction having cognizance thereof, and if it bring more than the call and costs, the overplus shall be paid over to the original owner.

SEC. 14. The president and directors, or any five of them, shall be sufficient to transact ordinary business, and all vacancies that shall happen in the board between the regular meetings of the stockholders, shall be supplied by the directors, two-thirds of them being present.

SEC. 15. The clerk shall keep a regular journal of all the proceedings at the meetings; he shall furnish to each subscriber, a certificate signed by the president, and by him attested, of the number of shares held by each subscriber; such certificate may be transferred by an assignment attached to the same, and witnessed by two persons, and the same being acknowledged by the vendor, or proved before the board or clerk, shall vest in the purchaser, all the rights, and subject him to all the liabilities of the original subscriber.

SEC. 16. Immediately after the first meeting of the subscribers, and the election of directors, the said directors, or a majority of them, or such person or persons as they may appoint, shall proceed to mark out said road. Each director or other person engaged in marking out said road, shall be allowed two dollars, to be paid by the company, for every day he may be necessarily engaged in performing that duty.

SEC. 17. If any person, over whose land said road may run, claims damages for the same, and he and the company cannot agree on the amount, he may apply to the circuit court, at its next or any subsequent term, by petition, setting forth the nature of the case, and the court shall appoint a jury of five disinterested persons, to assess the damages.

to go upon the ground, and after being sworn by the sheriff, to assess the amount of damages, which in their judgment, the petitioner has sustained by the said road running through his or her land, or the land of his or her ward, in case of minors, which assessment of damages shall be made out and signed by the jury, and returned to the next term of said court, and a judgment shall be entered, and execution issued for the same, against the said president and directors, in favor of the person entitled to the same. In making out their reports, the said jury shall take into view the advantage of said road to the petitioner. The property in said road, when completed, shall vest in the said company and their successors, for the purpose of a highway, which shall be free for all persons, on the terms and conditions herein prescribed.

SEC. 18. The president and directors may purchase, May hold real estate. for the use of the company, any quantity of land not exceeding one hundred acres, adjacent to each toll gate, and take conveyances therefor, to themselves and their successors; and for the purpose of making said road, and keeping it in repair, the said president and directors, or their agents or servants, may cut, dig, and take from any land adjoining said road, such timber, earth or sand, as may be necessary for constructing and keeping in repair said road. If any person, from whose land any timber, earth or sand may be taken, shall conceive himself injured, and the amount of damages cannot be agreed upon between himself and the company, the matter shall be settled in the same manner prescribed in the preceding section of this act.

SEC. 19. Said road shall be opened at least thirty feet Description of road, and gates wide, with sufficient ditches on each side to carry off the water or drain the road, the surface of the road shall gradually descend from the centre to the ditches on each side; it shall be substantially graded after the manner of making sanded turnpike roads, or said road may be covered with charcoal, as the managers may think most expedient. There shall be substantial and sufficient bridges wherever they are necessary, and in all respects said road shall be completed in a faithful and substantial turnpike manner; and when the said road shall be thus finished from Jackson, in the direction of Denmark, the distance of seven miles, one gate may be erected thereon, within two miles of the town of Jackson, which gate shall not be erected until the said road has been examined by a committee of five competent persons, appointed by the county court of Madison county, and a certificate obtained, that said road is construct-

ed in a good and substantial turnpike style, equal for the convenience of travel and transportation to the McAdamized turnpikes now in use in the middle part of the State.

Sec. 20. When the road is completed, there shall not be more than three gates erected on said road, the places for which shall be selected by the managers, when toll gatherers shall be appointed, and shall demand and receive such rate of toll as shall be just and reasonable, to be determined by the county court of Madison county. *Rates of toll.* **Provided,** The rate of toll shall not exceed the following, to wit: For every twenty head of sheep or hogs, twenty cents; for every twenty head of cattle, forty cents; for every horse or mule, not in a drove, nor employed in drawing a carriage or wagon, five cents, if in a drove, two cents, and so in proportion for any greater or less number of said animals; for every four wheeled carriage, twenty-five cents; for every empty wagon, ten cents; for every cart, loaded, ten cents, empty, five cents; for every loaded wagon, drawn by four or more horses, mules or oxen, forty cents; for every man and horse, five cents; which tolls shall be paid at each gate that may be set up under the provisions of this act, applying to the Jackson and Estanaula turnpike company. Said tolls shall be applied, as fast as they are received, to the finishing of the residue of said road; and no dividends shall be declared till after the said road is completed, or all under contract.

Sec. 21. Should any person refuse to pay the toll hereby granted, at the time of offering to pass any gate, the toll gatherer may refuse a passage to such person or animal liable to toll; and if any person or thing liable to toll, [shall pass without the payment of toll,] the toll gatherer may by warrant, before any justice of the peace, recover from the owner or person liable to toll, five dollars for each offence. *Penalty for passing gate without toll.*

Sec. 22. If said company should fail to keep said road in repair at any time, for the space of twenty days, upon information thereof to any justice of the peace, of the county, he shall issue a warrant to some constable, commanding him to summon three freeholders to meet at a certain time and place therein specified, five days notice having been given to the keeper of the next toll gate or the president of the company; and if by said freeholders, or any two of them, in the presence of the justice, the said road shall be found out of repair, according to the meaning and intent of this act, the toll hereby granted shall cease to be demanded at the nearest toll gate, until said defective part of the road shall be put in good repair. The person entrusted with said repair thereof, *Penalty for not keeping road in repair.*

shall be subject to a fine of ten dollars, with costs, to be recovered before any justice of the peace, if he neglect to perform his duty in that respect.

SEC. 23. If said company shall not begin the said road, within three years after the passage of this act, and complete the same in seven years thereafter, in the manner herein directed, this charter shall be forfeited; The commissioners or persons reviewing and marking out said road, shall determine what elevation shall be allowed in the uneven parts thereof; they shall designate the places where bridges are to be erected, and the kind thereof; they shall also decide upon the depth and width of the sanded or charcoal surface on said road, in the different parts thereof. They shall keep a written statement of all the foregoing matters and things, and preserve one copy thereof, and deliver the other to the company; and the said road shall be made to conform to the requisitions of the commissioners in every particular.

Duty of Commissioners.

SEC. 24. The said company shall have power to make all such rules and regulations, for their government and the management of their affairs, as a majority of the stockholders, or the president and directors, may think proper, and the same shall be written in the books of the secretary, and be open to the inspection of all who may desire to see them. *Provided*, That rules made to affect others, shall be published before they take effect.

Rules and regulations.

SEC. 25. There shall be a meeting of the stockholders at such place as may be agreed upon at the first meeting, on the first Monday in July, every two years, at which meeting, directors shall be elected for the next two years, and such other measures adopted for the promotion of the interests of the corporation, as a majority present may think best. In the election of directors or any other question, every share shall entitle the holder to one vote,* but members may vote by proxy under such regulations as may be established by the company. Directors shall continue in office two years, and until successors are appointed; they shall render a fair and full account of their proceedings, and the receipt and disbursement of money to each of the general meetings. A fair record of all the proceedings of the president and directors shall be kept, and shall be free for the inspection of any of the share-holders, at any time it may be desired. The time and place of meeting by the president and directors, shall be regulated by themselves.

Meetings of Stockholders.

SEC. 26. That any person or persons, who may become subscribers for stock in said road, may be permitted to discharge the whole or any part thereof, in work and labor on said road, in building the same, upon such

terms, and in such way, as may be agreed upon by such subscriber or subscribers and the president and directors. *Provided*, That any stockholder will construct any particular portion of said road, on as good terms as any other person, in which case, a stockholder shall have a preference over any other person in a contract, to construct any portion of said road he may select.

SEC. 27. All persons going to or from mill or preaching, shall be exempt from toll.

Big Hatchee
Turnpike Co.

SEC. 28. The Board of Internal Improvements of this State, shall have the power to sell the interest of the State in the Big Hatchee Turnpike Company.

F. BUCHANAN,

Speaker of the House of Representatives.

J. M. ANDERSON,

Speaker of the Senate.

Passed, January 31, 1848.

CHAPTER CCV.

An Act to provide for the establishment of a State Hospital for the Insane in Tennessee.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Governor of the State shall appoint seven commissioners, not more than three of whom shall reside in Davidson county, to superintend the construction of said Asylum, and to select and purchase a tract of land at a fair price, embracing not less than one hundred acres, capable of cultivation. There shall be upon the premises a never failing supply of wholesome water and said tract shall be conveniently situated for receiving supplies of fuel, either of wood or coal. Said commissioners shall receive no compensation for their services, over and above the necessary expenses incurred in the discharge of their duties. If any person or persons shall make free gift of an available tract for farm and site for State Hospital, said commissioners are hereby authorized to receive a deed to the State Hospital for the Insane.

SEC. 2. Within three months after said site shall be obtained by commissioners, they shall contract for the erection of said hospital by first rate workmen, on such terms as are just and prudent. Said hospital building

to be constructed in the most approved manner, after the most recent and accepted plans embracing all improvements and accommodations for institutions of this description, either of brick or unhewn stone; the foundations to be substantial, and of rough mason-work, the basement to be not less than eight feet above, nor more than two feet below the out ground surface; the water table, window and door sills, window caps and door caps of rough stone; the partition walls of brick, and contain flues for ventilators, furnace flues for heating the building, and conducting flues, all of which shall be free from obstructing surfaces, and the roofs to be fire proof.

SEC. 3. The site for the building shall be so selected as to afford good and sufficient under ground drainage; to command cheerful views, and open upon such aspects as will admit the sun's rays a portion of the day into every suit of the lodging apartments. Description of site.

SEC. 4. Said commissioners shall, on or before the first day of January, one thousand eight hundred and forty-nine, and on the first day of January, annually, thereafter, until the buildings are completed, render to the proper accounting officers of the State of Tennessee, an exact account of all the contracts, expenses and liabilities which they have incurred or authorized in the execution of their commissions with vouchers for the same, and in case of their failure so to do, their authority to draw on the State Treasurer for such sum or sums of money as shall hereafter be specified, shall cease; and said commissioners shall so build and finish said hospital that the whole cost of said buildings, together with suitable and sufficient apparatus for heating the same, and for cooking, washing and for furnishing ample supplies of water for all the uses of the institution, constructing the same for the comfortable accommodation of two hundred and fifty patients, and all the necessary officers and attendants, shall not exceed forty thousand dollars. The commissioners appointed by this act, before entering upon their duties, shall give bonds with such security as may be required by the Executive, for the proper application of funds placed in their hands, and for the faithful performance of all their duties. Commissioners—their duty.
To give bond and security.

SEC. 5. That the State tax upon each hundred dollars worth of taxable property shall be increased one and a half cents for this special purpose, for the term of three years; and the same shall be set apart for building and constructing said hospital in the most commodious manner. The funds accruing from said tax shall be payable by the State Treasurer to the order only of the whole board State tax appropriated to Hospital.

of building commissioners, and in sums no greater than five thousand dollars at one time.

SEC. 6. The Governor shall nominate, and by and with the advice and consent of the Senate, appoint nine trustees of said institution, two from East Tennessee, two from West Tennessee, and five from Middle Tennessee, of which five, three shall be residents in or near Nashville, the other two out of Davidson county, three of the trustees first appointed shall serve two years, three for four years and three for six years, at the expiration of which periods, the vacancies shall be filled by appointments for six years, and should a vacancy occur by death, resignation or otherwise, it shall be filled by Executive appointment for the unexpired term of such trustee. Said nine trustees shall be a body politic and corporate by the style of "the trustees of the Hospital for the Insane in Tennessee." Said trustees in their said corporate capacity may acquire property, real and personal, by gift or otherwise, and hold, sell, and convey the same for the use of said institution; and may have a common seal, and sue and be sued, in the same manner as a natural person. Said trustees shall appoint a superintendent of the Hospital, who shall be a skillful physician of unblemished moral character, of enlightened and thorough professional education, of prompt business habits and of humane and kind disposition. He shall also be a married man, and with his family shall reside constantly in the institution; he shall be subject to removal or re-election by the Trustees no oftener than in periods of eight years, except for infidelity to his trust or incompetency fully shown and declared.

SEC. 7. The trustees of the State Hospital shall, associated with the Physician, make such by-laws and regulations for the government of the Hospital as shall be necessary, and shall cause the same to be published with the biennial report of the Physician, and that of the trustees and the treasurer, all which shall be distributed throughout the State for the full information of the citizens thereof. The trustees assisted by the superintendent shall determine the salaries and compensation of the officers and assistants, whose services may be necessary for the comfortable, just and economical management of said Hospital.

SEC. 8. The three trustees, resident in Davidson county, shall be competent to transact all ordinary business arising at the monthly meetings of this branch of the board, each in rotation for one month shall visit the Hospital once a week at such time as is most convenient—and together they shall vigilantly examine into the

condition of the same once in every month, and oftener if notified by the superintendent or any member of the board. The trustees composing the full board, shall be notified to convene at the Hospital and strictly investigate the administration of the same, the first day of October, upon each biennial session of the Legislature.

SEC. 9. The trustees shall report annually to the Governor, and biennially to the General Assembly, the true history and condition of the State Hospital, and in accordance with the act of 1839-40, chap. cxx, sec. 4, they shall know that there are sufficient supplies of provisions, fuel, water, clothing, books, and whatever else may be deemed necessary for the health, comfort, cleanliness and security of the inmates.

Report to Gov.
& Legislature
biennially.

SEC. 10. The superintendent shall exercise entire control over all subordinate officers and assistants in the Hospital, and shall have entire direction of the duties of the same himself being accountable to the board of trustees for their good character and fidelity in the discharge of their duties.

Superintendent
to have general
control.

SEC. 11. The admission of insane patients from the several counties of the State, shall be in the ratio of their insane population, and each county shall render to the Secretary of State, biennially the numerical estimate of its insane, that proportionate benefits may duly embrace each case.

Admission
from each county
in proportion
to its insane.

SEC. 12. Persons in indigent circumstances, while resident in the Hospital, shall be in their own right or by the State bearing their expenses, chargeable no more than the actual cost for clothing, nursing, board and medical attendance; paying patients, whose friends pay their expenses, and who are not chargeable upon the country, shall pay for the care received, the terms being subject to decision by the trustees.

Charges or
attention.

SEC. 13. The courts of the State shall have power to commit to said Hospital any person, who has been charged with an offence, punishable by imprisonment or death, and who shall have been found to have been insane at the time that the offence was committed, and who still continues insane, and the expenses of said person, if in indigent circumstances, shall be paid by the State.

Insane offenders
admitted.

SEC. 14. For the admission of State patients, the following proceeding shall be had. Some respectable citizen resident in the county, to which said patient belongs, shall file with a Justice of the Peace of said county, a statement in writing, which shall be substantially as follows:

State of Tennessee, county, ss.

Certificate of
reputable citi-
zen.

The undersigned, a citizen of the State of Tennessee, residing in said county, hereby states as follows, (naming the person,) is insane. His insanity is of less than two years duration, (or his being at large is dangerous to the safety of the community,) he is in needy circumstances, has a legal settlement in county, and is a citizen of the State of Tennessee. These facts can be proved by and (naming at least two persons, one of whom shall be a respectable Physician.) Dated this day of A. D. E. F.

2. The Justice shall issue subpoenas, for the persons named as witnesses, and such other persons as he may think proper, requiring them to appear before him at a specified time, to testify concerning the facts set forth in said statement. Subpoenas may also be issued for witnesses in behalf of the person alledged to be insane.

If after such inquest the Justice shall be satisfied of the truth of the facts set forth in the statement, they shall require the medical witness forthwith to make out a certificate, such as is required for pay patients by the eighteenth section of this act, the Justice shall forthwith make out a certificate, which shall read substantially as follows:

State of Tennessee, county, ss.

Certificate of
Justice.

I, the undersigned, Justice of the Peace, in and for the county aforesaid, hereby certify, that I have visited of said county, a person alledged to be insane, and have this day held an inquest in regard to him according to law. I am satisfied that he is insane, that he has a legal settlement in county, that he is a fit subject to be sent to the State Hospital for the insane to undergo treatment therein, he is in needy circumstances and a fit subject for the bounty of the State. I am well satisfied that his being at large is injurious to himself and disadvantageous if not dangerous to the community. Witness my hand and seal, this day of A. D. C. D.

Forms of pro-
ceeding on re-
ceipt of patient.

Sec. 15. Immediately after the inquest, the Justice shall transmit to the clerk of the County Court, a certificate of said facts, attested by a Physician, and he shall file the same. Also, the said clerk, shall proceed upon receipt of said attested certificate, to transmit a copy of the same to the superintendent of the State Hospital, accompanied with application for the admission of the patient therein named to the same. Upon receipt of this application, the superintendent shall immediately advise the clerk, when the patient can be received. The clerk shall thereupon in due season for the conveyance of such

patient to the Hospital by the time appointed, issue his warrant to any suitable person, requiring him forthwith to receive said insane person, and convey him to the Tennessee State Hospital; said warrant shall read substantially as follows:

State of Tennessee, county, ss.

To

Whereas, All the proceedings necessary to entitle to be admitted into the Tennessee State Hospital as a State patient have been had according to law, you are hereby required forthwith to take said person and convey him to said Hospital after executing this warrant. You shall make due return to this office. Witness my hand and seal of office this day of A. D.

Clerk.

Upon receiving said patient, the superintendent shall endorse upon said warrant a receipt as follows:

Tennessee State Hospital, }
A. D. }

Received this day of the patient named in the within warrant. *Superintendent.*

SEC. 16. Every term in this act, importing the masculine gender, shall extend to and be applied to females as well as males.

SEC. 17. In order of admission, the indigent insane of the State shall have precedence of paying patients, and recent cases of both classes shall have precedence over those of long standing; but paying patients from other States may be received into the hospital should vacancies occur unclaimed by residents in Tennessee. Order of receiving patients.

SEC. 18. Before any patient shall be received into the hospital as pay patient, there shall be produced to the superintendent, Preliminaries to admission.

1st. The Treasurer's receipt for three months charges in advance.

2d. A sufficient bond, conditioned as hereinafter required.

3d. A certificate from some respectable physician, setting forth,

1st. That the patient is free from any infectious disease.

2d. The age of the patient and concise history of the case.

3d. The duration of the disease, dating from first symptoms.

4th. The supposed exciting cause of the disease.

5th. Whether the disease is hereditary.

6th. Whether the patient has ever been subject to epilepsy.

notice shall be given in some newspaper printed in the town of Jackson. Said president and directors shall have power, in all cases of emergency, to call a meeting of the stockholders or subscribers, by giving twenty days notice of the time and place, in some newspaper printed in the place aforesaid; they may also appoint a clerk, treasurer and such other officers as may be necessary, and transact all of the business of said company. They may prescribe the duties and fix the pay of all the officers or agents.

SEC. 13. If any subscriber shall fail to pay any calls that are made, by advertisement as aforesaid, his stock shall be sold for the amount of said call, and the purchaser shall have all the rights, and be subject to all the liabilities of the original owner, and if the stock does not bring the amount, the owner shall be liable to be sued for the balance, before any jurisdiction having cognizance thereof, and if it bring more than the call and costs, the overplus shall be paid over to the original owner.

SEC. 14. The president and directors, or any five of them, shall be sufficient to transact ordinary business, and all vacancies that shall happen in the board between the regular meetings of the stockholders, shall be supplied by the directors, two-thirds of them being present.

SEC. 15. The clerk shall keep a regular journal of all the proceedings at the meetings; he shall furnish to each subscriber, a certificate signed by the president, and by him attested, of the number of shares held by each subscriber; such certificate may be transferred by an assignment attached to the same, and witnessed by two persons, and the same being acknowledged by the vendor, or proved before the board or clerk, shall vest in the purchaser, all the rights, and subject him to all the liabilities of the original subscriber.

SEC. 16. Immediately after the first meeting of the subscribers, and the election of directors, the said directors, or a majority of them, or such person or persons as they may appoint, shall proceed to mark out said road. Each director or other person engaged in marking out said road, shall be allowed two dollars, to be paid by the company, for every day he may be necessarily engaged in performing that duty.

SEC. 17. If any person, over whose land said road may run, claims damages for the same, and he and the company cannot agree on the amount, he may apply to the circuit court, at its next or any subsequent term, by petition, setting forth the nature of the case, and the court shall appoint a jury of five disinterested persons,

to go upon the ground, and after being sworn by the sheriff, to assess the amount of damages, which in their judgment, the petitioner has sustained by the said road running through his or her land, or the land of his or her ward, in case of minors, which assessment of damages shall be made out and signed by the jury, and returned to the next term of said court, and a judgment shall be entered, and execution issued for the same, against the said president and directors, in favor of the person entitled to the same. In making out their reports, the said jury shall take into view the advantage of said road to the petitioner. The property in said road, when completed, shall vest in the said company and their successors, for the purpose of a highway, which shall be free for all persons, on the terms and conditions herein prescribed.

SEC. 18. The president and directors may purchase, ^{May hold real} for the use of the company, any quantity of land not exceeding one hundred acres, adjacent to each toll gate, and take conveyances therefor, to themselves and their successors; and for the purpose of making said road, and keeping it in repair, the said president and directors, or their agents or servants, may cut, dig, and take from any land adjoining said road, such timber, earth or sand, as may be necessary for constructing and keeping in repair said road. If any person, from whose land any timber, earth or sand may be taken, shall conceive himself injured, and the amount of damages cannot be agreed upon between himself and the company, the matter shall be settled in the same manner prescribed in the preceding section of this act.

SEC. 19. Said road shall be opened at least thirty feet ^{Description of} wide, with sufficient ditches on each side to carry off the ^{road, and gates} water or drain the road, the surface of the road shall gradually descend from the centre to the ditches on each side; it shall be substantially graded after the manner of making sanded turnpike roads, or said road may be covered with charcoal, as the managers may think most expedient. There shall be substantial and sufficient bridges wherever they are necessary, and in all respects said road shall be completed in a faithful and substantial turnpike manner; and when the said road shall be thus finished from Jackson, in the direction of Denmark, the distance of seven miles, one gate may be erected thereon, within two miles of the town of Jackson, which gate shall not be erected until the said road has been examined by a committee of five competent persons, appointed by the county court of Madison county, and a certificate obtained, that said road is construct-

Election of
officers & meet-
ing.

their successors, shall have power to hold such meetings, at such times and places as they may think proper, to elect one of their number president, and a secretary and treasurer of said boards, and to fill vacancies that may happen by death, resignation, or otherwise, but not less than a majority of said trustees shall constitute a quorum to do business relating to the interest of said academies.

Powers.

SEC. 3. *Be it enacted*, That said boards of trustees shall have power to make such regulations, relative to said academies and the government thereof and their own proceedings, as a majority of said boards may deem right and proper. *Provided*, they are not inconsistent with the constitution and laws of the State of Tennessee.

Strawberry
Plains Academy
incorporated.

SEC. 4. *Be it enacted*, That William Moulden, Ganum C. McBee, J. W. Turley, Felix Brown, James A. Thornton, A. Stillings, David Adams, Thomas Stringfield, and William Adcock, be and they are hereby constituted a body politic, by the name and style of the Trustees of the Strawberry Plains Academy, and shall have all the powers and privileges given to the Trustees of the New-Market Female Institute, by an act, passed the 22d of January, 1846, entitled "an act to incorporate the New-Market Female Institute, in the county of Jefferson.

May draw
school fund.

SEC. 5. *Be it enacted*, That the children of the several school districts, near this place, who desire it, may draw that portion of the school fund to which they are entitled, and attend the said academy.

Certain school
monies to be
paid over.

SEC. 6. *Be it enacted*, That the thirty-six thousand two hundred and thirteen dollars and fifty-five cents, retained by the Comptroller, under the act of January 24th, 1846, from the annual distributive common school fund, to replace so much of the principal of said fund as was lost whilst the same was administered by the county common school commissioners, and county bank agents, be paid over to the board of commissioners of common schools, to be vested in State bonds by them, the interest of which shall be distributed as other school funds.

F. BUCHANAN,
Speaker of the House of Representatives.
J. M. ANDERSON,
Speaker of the Senate.

Passed, February 5, 1848.

CHAPTER CCVII.

An Act for the Charter of the Hartsville and Nashville Glass and Soda Manufacturing Company.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That there be established a manufacturing company to be known by the name of the Hartsville and Nashville Glass and Soda Manufacturing Company," and the subscribers thereto and their associates and successors are hereby incorporated, and made a body corporate and politic for the purpose of manufacturing Glass and Soda at any point on the Cumberland river, or Middle Tennessee, that may be designated by the stockholders or their authorized agents, with the same privileges, rules and restrictions as are conferred and established by an act of January the 20th, 1844, upon the Manchester Manufacturing Company, except such parts thereof as may conflict with the following provision to wit: the stock of said Hartsville and Nashville Glass and Soda Manufacturing Company, shall not be restricted to any specific amount. Doctor James S. Dyer, Michael Duffey, William Read, John Y. Roper, and F. Cato McKeen, are hereby appointed commissioners to open books for subscription to the stock of said Hartsville and Nashville Glass and Soda Manufacturing Company, and the said commissioners are hereby authorized and required to give thirty days notice in the newspapers at Nashville and Gallatin of the time and place of holding an election for the trustees of said company whenever ten thousand dollars of the stock of said company shall have been subscribed. That the stock, capital and property of said company employed in the said manufactory shall be exempt from taxation for two years from the time of its commencing business. Incorporation.

SEC. 2. *Be it enacted,* That this General Assembly reserves to itself and all future Legislatures the right to alter, amend and annul any charter of incorporation that has been or may be granted by this Legislature, whenever in the opinion of the General Assembly the public good may require it. Legislature a right to repeal.

SEC. 3. *Be it further enacted,* That the subscribers for the stock in a company to be called the "Lawrenceburg Bank of Tennessee," their heirs and assigns are hereby incorporated a body politic and corporate, and by that name may sue and be sued, plead and be impleaded, have succession for the term of thirty years, and shall have, possess, and enjoy such other powers Lawrenceburg Bank of Tennessee incorporated.

and rights as are usual to like incorporated companies.

SEC. 4. That the capital stock of said company shall
Capital stock, consist of one hundred thousand dollars, to be divided into shares of one hundred dollars each, but may be increased at the option of the directors of said company to three hundred thousand dollars, but said company, may commence business so soon as five hundred shares are subscribed; whereupon the commissioners hereinafter appointed shall, after giving twenty days notice in a newspaper printed in said town, proceed to open and hold an election for seven directors to manage the business of said company, five of whom shall constitute a quorum to do business.

SEC. 5. That subscriptions for stock in said company
Commissioners may be opened in Nashville upon ten days notice, by Samuel D. Morgan and John M. Hill; and at Lawrenceburg by William McKnight, Jr., Daniel Bently, Gilbreath F. Simonton, William Parkes, Charles J. Her-
 to open books rin, Richard H. Allen, and Thomas D. Devenport, or any three of them, who may also appoint agents to receive subscriptions of stock at such other places as may be expedient.

SEC. 6. *Be it further enacted,* That the company
Rights and powers of com-
 pany. hereby incorporated shall have all the rights and powers, and be subject to all the liabilities and restrictions, proportioned to the amount of its capital, as is granted to, and obligatory upon the Planters Bank of Tennessee—the charter of rights to which company is hereby extended to the “Lawrenteburg Bank of Tennessee.” *Provided,* That the notes of said company for circulation shall not be of a denomination smaller than are authorised to be issued by the Bank of Tennessee; *Provided,* any succeeding Legislature shall have the right to alter or repeal so much of this act as authorises the corporation to issue notes of a less denomination than five dollars; *And provided,* That said company shall pay a bonus to the State equivalent to that paid by said Planters Bank in rateable proportion to its capital; *Provided,* That the individual property of the stockholders of said company shall be liable for their issues, as well as for all other debts contracted by said company; *And provided further,* That each and every stockholder shall be liable in his individual capacity for all the debts and dues thereof, to the full extent of the stock by them re

spectively subscribed for; and that this act shall take effect and be in force from its passage.

F. BUCHANAN,

Speaker of the House of Representatives.

J. M. ANDERSON,

Speaker of the Senate.

Passed, February 5, 1848.

CHAPTER CCVIII.

An Act authorizing the erection of a Bridge at the Great Falls of Caney Fork river, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That William Bosson, his associates and successors, be made a body politic and corporate, by the name and style of the Caney Falls Bridge Company, and such company are hereby empowered and authorized to erect and keep in repair a toll Bridge, across the Caney Fork of Cumberland river, at the great falls thereof for the term of thirty years. Incorporation

SEC. 2. *Be it enacted*, That the capital stock of said company, shall consist of one hundred shares, of one hundred dollars each, which may be increased to any necessary amount for the purposes herein specified, to be subscribed under the direction of the said William Bosson, and the stockholders or a majority of them, when regularly convened, shall have power to establish by-laws for the government and direction of the affairs of the company, not inconsistent with the laws of this State. Capital Stock

SEC. 3. *Be it enacted*, That said company shall have power, and are hereby authorized to open and keep in repair, good substantial wagon roads from the ends of the bridge to the tops of the hills on each side of the river. May open roads to bridge

SEC. 4. *Be it enacted*, That said company shall, when they shall have completed their bridge, be entitled to receive the following tolls, to wit: from foot men five cents, man and horse ten cents, for any additional horse five cents, for each head of cattle in a drove two and one half cents, for each head of sheep and hogs one cent, for wagon with one horse, mule or ox twenty cents, for wagon with two horses, mules or oxen twenty-five cents, for wagon with three horses, mules or oxen thirty cents, Rates of toll.

for wagon with four horses, mules or oxen forty cents, for wagon with five or six horses, mules or oxen fifty cents, for any two or four wheeled two horse pleasure carriage thirty-five cents, for any four wheeled, three or four horse pleasure carriage, fifty cents.

SEC. 5. *Be it enacted,* That the board of internal improvement, shall at as early a day as possible, examine into the state and condition of the Pelham and Jasper Turnpike Company, that they may cause the suit now pending against the company to be dismissed, if in their judgment they deem it for the interest of the State; and they are hereby authorized and empowered to prosecute any suit against the company—compromise any difficulties which may exist—procure relinquishments of stock—dispose of the interest of the State in said road to the present company, or any other company, or make such arrangements with the company, or any other company, as will best secure the interest of the State, and place the road in a safe condition; and if an arrangement shall be made, to permit any company to keep a turnpike road across the mountains, then all the remainder of the road not included in said turnpike, shall be delivered up to the respective counties in which it may lie, and the county courts of the respective counties shall appoint hands to work on and keep up the same.

F. BUCHANAN,

Speaker of the House of Representatives.

J. M. ANDERSON,

Speaker of the Senate.

Passed, February 5, 1848.

CHAPTER CCIX.

An Act further to provide for removing obstructions in Hatchee River.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the sum of two hundred and fifty dollars, be, and the same is hereby appropriated, to be drawn from the funds heretofore appropriated by the act of 1838, to clean out obstructions in Hatchee river, for the purpose of making a draw bridge, or a free bridge, on Hatchee river, between the two bridges over the said river, the one on the road leading from Bolivar

to Purdy, the other on the road leading from Bolivar to Jackson.

SEC. 2. *Be it enacted*, That David McKinney, Thomas Joiner and R. P. Neeley, be, and they are hereby appointed commissioners to let out the contract for said work, and report to the county court of Hardeman county, who shall receive the same or not, as they may deem proper. Commissioners to contract.

SEC. 3. *Be it enacted*, That said commissioners are hereby authorized to draw for the said amount of money on whatever bank in which said money may be deposited, or on the commissioner in whose hands said money may be.

SEC. 4. *Be it enacted*, That said sum of money be drawn from that portion of the river fund allotted to the upper division of the river, so as no wise to interfere with the funds allotted by the commissioners for the lower division of the said river. *Provided*, That if the upper board of commissioners, on said river, have received their proportion of said river fund, including five hundred dollars, appropriated by the present General Assembly out of said river fund, for the purpose of making draw bridges across the Hatchee river, then this act shall be null and void. Money from what fund drawn.

SEC. 5. *Be it further enacted*, That Crowder Holloway, of Haywood county, be, and he is hereby appointed an additional commissioner for Hatchee river, and that hereafter, it shall require four members of said board of commissioners to constitute a quorum to do business. Additional commissioner.

F. BUCHANAN,

Speaker of the House of Representatives.

J. M. ANDERSON,

Speaker of the Senate.

Passed, February 4, 1848.

CHAPTER CCX.

An Act to incorporate the town of Waverly, in the county of Humphreys, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the town of Waverly, in the county of Humphreys, be, and the same is hereby incorporated, under the name and style of the "Mayor and Aldermen of Waverly," with the same powers, rights, and privileges, in all respects, as the town of Camden. Incorporation.

in the county of Benton; and that all the provisions of an act, passed on the 8th day of November, 1847, incorporating the town of Camden, in the county of Benton, except so far as the same are local in their character, be held applicable to the town of Waverly.

Former act repealed. SEC. 2. *Be it enacted*, That an act, entitled "an act to incorporate the town of Waverly, in the county of Humphreys," passed, January 1st, 1838, be, and the same is hereby repealed; and this act shall take effect from and after the passage thereof.

Boundaries. SEC. 3. *Be it enacted*, That the corporate limits of the town of Dresden, in the county of Weakley, be so changed as to make the following the boundary of said town: Beginning at the south-west corner of the original boundary of said town; thence north to the north-west corner of said original boundary; thence east to the north-east of the original boundary, and continuing east to within sixteen and a half feet of the line, dividing the lands of Benjamin Davis and William Camp, to a stake; thence south to a point, directly east of the north-east corner of the original boundary of said town; thence west to said corner, and with the original line to the beginning; which said corporation, except as to boundary, shall be subject to the provisions of an act, passed 15th of January, 1846.

Corporate limits of Paris extended. SEC. 4. *Be it enacted*, That the corporation limits of the town of Paris be extended, so as to include the residences of the following persons, to wit: Beginning on the east marginal line of said corporation, and running thence east so as to include the residence of Ellis Brady; thence south to the Reynoldsburgh road, so as to include the buildings of Wm. H. Thompson, the estate of the heirs of Solomon H. Armour, and Thomas W. Crawford; thence west to include J. D. C. Atkin's residence; thence north to Guthrie's southern boundary line; thence west until it strikes the west boundary of the estate of the heirs of Archibald Davis; thence north with the west boundary line of the same, crossing the Dresden road, running so as to include the residence of Thomas A. Crawford, and to his north boundary line; thence east to the north-east corner of said Crawford's property; thence north to the south side of the Iron Banks road; thence east with said road to the residence of Robert J. Hamby's north-west corner; thence north fifty yards north of the late residence of A. H. Kane; thence east to the east side of the Waidborough road; thence south with said road to the north-west corner of a lot belonging to the estate of A. H. Kane; thence east so as to include the buildings on said lot; thence a south-east direction to the beginning.

SEC. 5. *Be it further enacted*, That the inhabitants of Purdy incorporated the town of Purdy, in the county of McNairy, be, and they are hereby incorporated, under the same rules and regulations as are provided for the incorporation of the inhabitants of the town of Bolivar, in the county of Hardeman, by an act passed at the present session of the General Assembly.

SEC. 6. *Be it enacted*, That W. S. Wisdom, W. C. Kindle, B. B. Adams, William Ruleman, and R. S. Harwell, be appointed commissioners to lay off and designate the bounds of said corporation. Corporation elections in Purdy.

SEC. 7. *Be it enacted*, That the sheriff of McNairy county, shall open and hold an election at the court house in the town of Purdy, on the third Saturday in February, 1848, and forever thereafter on the first Saturday in January, in each and every year, for the purpose of electing a Mayor and Aldermen for said corporation.

F. BUCHANAN,

Speaker of the House of Representatives.

J. M. ANDERSON,

Speaker of the Senate.

Passed, February 1, 1848.

CHAPTER CCXI.

An Act to provide for surveying certain range and section lines in the counties of Obion and Dyer.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That it shall be the duty of the surveyors of the counties of Obion and Dyer to run and mark all the range and section lines in their respective counties which have not been heretofore run and marked, for which services they shall be entitled to such fees as by law they are now entitled to for like services. Surveyor to run and mark lines.

SEC. 2. That the entry-takers of said counties shall pay said surveyors their fees for running and marking said range and section lines out of any monies in their hands belonging to the State, and the surveyor's receipt shall be a good voucher for said entry-takers in their settlements with the Comptroller: *Provided*, that if there shall be no monies in the hands of said entry-takers or not sufficient to pay said fees, said fees or the unpaid balance thereof, shall be paid by the county. Entry-taker to pay fees.

SEC. 3. *Be it further enacted,* That it shall be the duty of the Surveyor General of the Ocoee District forthwith to ascertain, by survey or otherwise, the deficiency in each quarter section and fractional quarter section on the line between the first township and the second fractional township north in range three, east of the basis line in the Ocoee District, and also between the fourth and fifth range east of the basis line in the Ocoee District, occasioned by the extension and removal of one of those township lines, as also the said range line upon the other, and he shall mark such deficiency on such quarter section, and fractional quarters represented and laid down on the general plan of said district in the entry-taker's office.

SEC. 4. *Be it enacted,* That when the deficiencies shall be ascertained and marked on the general plan as aforesaid in the [3d] section of this act, it shall be the duty of the entry-taker of the Ocoee District to receive locations and make entries for the proper quantity of land that remain in the quarter sections and fractional quarter sections, as the case may be, after deducting said deficiencies.

SEC. 5. *Be it enacted,* That if any person shall have entered a full quarter section or fractional quarter section where such deficiency shall be found to exist, it shall be the duty of the entry-taker to make the proper correction upon his entry book, and to issue a certificate accordingly, and if in any such case a grant shall have issued it shall be the duty of the Register of the Ocoee District to correct the grant so as to correspond with the certificate, and it shall be the duty of the entry-taker to issue to any such enterer a certificate of any such deficiencies showing the number of acres deficient, and the price per acre which said enterer had paid into his office for such deficiencies, and thereupon such enterer, his executors, administrators or assigns upon presenting such certificate to the cashier or agent of the branch of the Bank of Tennessee at Athens, the said cashier or agent shall pay the same and charge it to the parent Bank: *Provided,* that such enterer or grantee shall not be required to have his grant corrected according to the provisions of this act, unless he chooses so to do: *And provided further,* that the entry-taker shall not issue the last named certificate to the enterer or grantee unless such enterer or grantee shall first have his grant corrected as aforesaid by this act.

SEC. 5. *Be it further enacted,* That nothing in this act contained shall be so construed as to authorize the Surveyor General of said Ocoee District or his deputy

to receive any compensation from the State for the surveys herein authorized to be made.

F. BUCHANAN,

Speaker of the House of Representatives.

J. M. ANDERSON,

Speaker of the Senate.

Passed, February 4, 1848.

CHAPTER CCXII.

An Act to incorporate the Trustees of Richland Presbytery, and the Trustees of the Tennessee Publication Society, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That George W. Mitchell, George C. Stockard and William H. Baldridge, and their successors are constituted a body politic, by the corporate name of "the trustees of Richland Presbytery of the Cumberland Presbyterian Church." Richland Presbytery incorporated.

SEC. 2. *Be it enacted*, That the appointment of successors to perpetuate the legal existence of the body, as well as their general direction in the administration of the powers entrusted to them, is hereby vested in said Presbytery. Presbytery to appoint successors.

SEC. 3. *Be it enacted*, That the object of the incorporation of said trustees, is hereby declared to be, to enable them to hold and manage for the use of said presbytery, a scholarship in Cumberland University, founded by the contribution of one thousand dollars, to the endowment of said University, by Anne McGee, of Maury county, and by her given to said presbytery; and also to hold and manage such other funds, not exceeding ten thousand dollars, as may be, at any time, given to them for educational and benevolent purposes; and they are hereby clothed with all the powers that are necessary and proper, for the fulfilment of these ends. Objects of incorporation.

SEC. 4. *Be it enacted*, That C. K. Winston, J. H. Shepherd, R. B. C. Howell, J. R. Graves, Jno. W. King, S. Scott, D. D. Bell, H. G. Scovel, A. W. Meachum, S. H. Milliken, E. Collins, M. S. W. Mayes, E. Sandridge, Jonathan Wiseman, Mat Hillsman, H. Blackman, A. B. Shankland, be and are hereby created a body corporate and politic, and shall be known as such by the name of "the Tennessee Publication Society," and shall have the following powers, viz, 1st, the pow-

er to have and enjoy the rights incident to corporate succession. 2d, the power to sue and be sued, defend and be defended in any court of law or equity in this State or the United States. 3d, the power to make and use a common seal. 4th, the power to hold, purchase and convey such personal property, or real estate, as may be necessary to complete the purposes of the society, not exceeding the sum of ten thousand dollars. 5th, the power to appoint such officers and agents as the business of the society may require, and to allow them a suitable compensation. 6th, the power to make laws for the government of the society and the transaction of its business, not inconsistent with the laws of this State, or of the United States. 7th, to receive by gift, grant, devise or in any other way, such sums as may be appropriated, or granted, for the objects of the society, and the same to expend or use in strict accordance with the will of the donors, pursuant to the provisions of this charter, and the by-laws enacted by the said society.

Objects of Society. SEC. 5. The objects of this society, shall be the purchase and publication of Bibles, Testaments, Religious, Sabbath School, Tracts, and other books of a moral tendency, and the same to sell, and distribute gratuitously in the destitute portions of our country, through colporteurs and otherwise, for which purpose the society may receive voluntary subscriptions, donations or bequests, which shall constitute a permanent fund, which shall be invested in the purchase or publication of books of the aforesaid character, bearing lawful interest, which interest shall be appropriated, in books, according to the express will of the donor or donors. *Provided*, In case no direction is thus given, the interest on all such donations shall be applied in the gratuitous distribution of books, according to the discretion of the managers of this society.

F. BUCHANAN,

Speaker of the House of Representatives.

J. M. ANDERSON,

Speaker of the Senate.

Passed, February 2, 1848.

CHAPTER CCXIII.

An Act to incorporate the Elkton Bridge Company.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That for the purpose of building a bridge across Elk river, at or near the point where the Columbia, Pulaski, Elkton and Alabama Turnpike road crosses said river, the formation of a company is hereby authorized, which, when formed shall be a body corporate, by the name and style of "The Elkton Bridge Company," and by said corporate name, shall be capable in law to buy, receive by gift, hold, sell, and convey real and personal estate, as hereinafter provided, make contracts, sue and be sued, to make by-laws and to do all lawful acts incident to a corporation, and necessary and proper to the transaction of the business for which it is incorporated, and to have and use a common seal, and the same to alter and destroy at its pleasure, and shall have succession for one thousand years. Incorporation.

SEC. 2. Books for subscription of stock in said company, shall be opened on the first Monday in January next, at the following places and by the following commissioners, to wit: at Pulaski, in the county of Giles, by Thomas Martin, Andrew M. Ballentine, Benjamin Carter, John A. Jackson, James Patterson; at Elkton, in the county aforesaid, by Robert B. Harney, John M. Boss, Early Benson, Warren Phillips, A.-L. Conley, P. B. Phelps and Lewis Upshaw. Books opened.

SEC. 3. The capital stock of said company, shall be twelve thousand dollars, divided into shares of twenty dollars each; Capital stock.

SEC. 4. When the sum of four thousand dollars shall be subscribed, the stockholders are hereby incorporated a body politic and corporate, under the name and style, and with the powers and privileges described in the first section of this act.

SEC. 5. It shall be the duty of the commissioners, when the above sum of four thousand dollars shall be subscribed, to convene the stockholders in the town of Elkton, who when convened, if a majority be present, shall proceed to the election of seven directors, who shall take an oath, truly and faithfully to discharge their duties. Said directors shall elect one of their own body president, and they may appoint all other officers, they may deem necessary, to transact the business of said company; and the directors may continue to receive subscriptions until the whole of said capital stock may be subscribed. They shall hold their office for the term Election of rectors, &c

of two years, and until their successors are elected and qualified.

Sec. 6. The directors shall have the power to call for the payment of the stock at such time as they may think proper, after giving thirty days notice by public advertisement published in some newspaper printed in the county: *Provided*, they shall not call for more than five dollars upon the share at one time.

Sec. 7. If any of the stockholders, after the payment of one or more instalments, shall fail to pay the balance when the same shall be regularly called, the directors shall have the power to declare said stock forfeited for the use and benefit of the company, and may sell the same and apply the proceeds in payment of the stock, and if any balance shall remain due upon the stock, the same may be sued for and recovered from the stockholders who may be in default, and the company may, if deemed best, sue for any sum due upon the stock without declaring a forfeiture or thereof.

Sec. 8. The Internal Improvement Commissioners for Giles county, are hereby empowered and authorized, two thirds of the board concurring therein, to invest the internal improvement fund of said county in stock in said company.

Sec. 9. Said bridge shall be so constructed as not to obstruct the navigation of said river with flat or steam boats.

Sec. 10. The tolls for passing over said bridge shall be as follows: every loaded four horse wagon, twenty cents; empty do., ten cents; every four wheeled pleasure carriage, twenty cents; every buggy, carryall or gig, ten cents; every two horse wagon or cart, ten cents; empty do., five cents; every man and horse, five cents; for all droves of horses, one cent per head; for all droves of hogs, cattle or sheep, one-fourth of a cent per head; all foot passengers shall pass free of toll; all persons attending courts as jurors, witnesses, or going to or returning from muster, shall pass free of toll.

Sec. 11. Said company shall have power to buy or receive, by gift or otherwise, any grounds on the lands of said river on which to build abutments, and a toll house, and all timber, rock, &c., which may be necessary to build said bridge.

Sec. 12. Said bridge shall be so built as not to injure the ford now used in crossing said river.

Sec. 13. Any person passing said bridge without paying the toll prescribed in this act, when demanded, shall forfeit the sum of five dollars for the use of said company, to be recovered before any Justice of the Peace.

Sec. 14. In the election of directors, every stockholder shall be allowed one vote for each share which he may own: *Provided*, he does not own more than ten, and one vote for every five shares which he may own over ten.

Sec. 15. The stock of said company shall be assignable and transferable, but no sale or transfer shall be valid until it be entered on the book or register to be kept by the directors for that purpose.

Sec. 16. The Columbia, Pulaski, Elkton and Alabama turnpike company are hereby authorized by the directors, two thirds of the entire board concurring therein, to subscribe for two thousand dollars of the stock of said company.

Sec. 17. James Fulton, his heirs and representatives, J. Fulton may are authorized to build a good bridge over Elk river, at the mouth of Norris' creek, in the county of Lincoln; to keep a gate thereon, and to take, of all persons using said bridge, such rates of toll as the county court of Lincoln county may allow.

Sec. 18. Said county court, within a reasonable time after the completion of said bridge, shall fix the rate of toll that may be received by the proprietor of said bridge.

Sec. 19. Said James Fulton, his heirs and representatives, shall have exclusive right and benefit of said bridge, if the same be kept in good repair.

Sec. 20. Said bridge, when built, shall not be placed so as to obstruct the navigation of said river by steam or otherwise, but shall be built of such height as to admit of the safe passage under the bridge of steam boats and of other boats at all times and at all stages of water; neither shall said bridge obstruct the wagon ford near it.

Sec. 21. No person attending muster or election shall be compelled to pay toll for necessarily using said bridge.

Sec. 22. The county court of Marion county shall have power to appoint at least ten hands in each of the civil districts, lying on the Sequachee river, whose duty it shall be to cut out all lodged or falling timber, and such other work as the court shall deem expedient for the navigation of said river, and such persons so appointed shall not be compelled to work on roads, and one of such hands shall act as overseer, who shall have the same power in all respects as overseers of public roads have by law.

F. BUCHANAN,

Speaker of the House of Representatives.

J. M. ANDERSON,

Speaker of the Senate.

Passed, February 4, 1848.

CHAPTER CCXIV.

An Act authorizing Carrick W. Nelson, of the county of Carter, to build a Turnpike road, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That Carrick W. Nelson, of the county of Carter, be and he is hereby created a corporate sole, and as such is authorized to open, establish and keep in repair a turnpike road, commencing at Ansel Carden's, and running down Watauga river to the neck, and then to pass through the neck the nearest course, or down said Watauga river to Elizabethton, in said county of Carter, as the said Carrick W. Nelson shall deem most practicable.

SEC. 2. *Be it enacted,* That said Carrick W. Nelson shall open, build and make said road equal to a first class road, according to the laws of Tennessee, at all places where the ground over which said road passes will admit of it to be done, and shall erect bridges and crossways, where necessary and practicable.

SEC. 3. *Be it enacted,* That the County Court of Carter county, is hereby authorized and required to appoint five freeholders, citizens of said county, to act as commissioners of said turnpike road, who are hereby vested with the same powers and authority of the commissioners appointed by an act to charter the Newport turnpike road, granted to William C. Story, passed January 20th, 1846, chapter 81.

SEC. 4. *Be it enacted,* That the said Carrick W. Nelson, his heirs and assigns, shall have the term of four years from the first day of January next, to complete said road.

SEC. 5. *Be it enacted,* That the said Carrick W. Nelson, his heirs and assigns, shall have and enjoy the rights and privileges of said road, for ninety-nine years from its completion.

SEC. 6. *Be it enacted,* That the said Carrick W. Nelson, his heirs and assigns, are hereby authorized to erect a toll gate on said road, at any point which he or they may think proper, and shall be entitled to receive the same amount of toll, authorized to be received by the said William C. Story, in the act referred to in the third section of this act, and in all things shall be subject to the same pains and penalties, privileges and restrictions, as set forth in the said act, authorizing William C. Story to construct a turnpike road, except when otherwise provided in the foregoing sections.

SEC. 7. *Be it enacted,* That any person or persons,

citizens of Carter or Johnson counties, ~~may~~ contract with said Carrick W. Nelson, his heirs or assigns, to do work and labor on said road or to pay its equivalent, for which such person or persons may pass said road free of toll for a limited time. *Provided*, the proprietor or proprietors shall agree thereto. Powers.

SEC. 8. *Be it further enacted*, That the said Carrick W. Nelson, his heirs or assigns, may dispose of his or their interest in said road or any part thereof, whenever he or they may think proper.

SEC. 9. *Be it enacted*, That the further time of two years be allowed the Shelbyville and Fayetteville turnpike company, to commence and finish said road. Shelbyville and Fayetteville R. allowed further time.

SEC. 10. *Be it enacted*, That the further time of two years from the passage of this act, be allowed John H. Carmichael and Benjamin Rains, to complete their turnpike road, granted by the act of 1841, chapter 141, sec. 8. Carmichael & Rains allowed further time to complete road.

SEC. 11. *Be it enacted*, That Green Moore, Alexander D. Smith, M. M. Wagoner and Joseph Johnson, of the county of Johnson; John Berry, Ezekiel Smith, sen., William Duggan, sen., and R. C. White, of the counties of Carter and Johnson; Johnson Hampton, sen., John Wilson, Jacob Snyder, Solomon Snyder, Elisha Smith, John W. Hyder and Joseph Powell, of Carter; David Nelson, Jacob Cameron, Carrick W. Nelson, William W. Rockhold, and William Stour of Carter, are hereby appointed commissioners to open books to receive subscriptions to the amount of ten thousand dollars, for the purpose of opening a turnpike road, to be called the Johnson and Carter turnpike, to run from the road chartered by the State of North Carolina, in the county of Caldwell, shall intersect the Tennessee line, running the nearest and best route to the Washington county line, in the direction of Jonesborough, the sum of ten thousand dollars shall be divided into shares of twenty dollars each, and the subscription shall be made in person or by attorney regularly authorized, but if a smaller sum be sufficient to build said road, then the capital may be reduced to any such sum which may be sufficient for said purpose. The commissioners heretofore appointed shall open books in Taylorsville, at Berry's store, at Elisha Smith's in the Crab Orchard, and at Elizabethton, in the counties aforesaid, and where they respectively reside, on the first Monday in May next, and as soon as one thousand dollars are subscribed, a meeting of the stockholders shall be held at Elizabethton in Carter county, of which meeting the managers of the subscription shall give twenty days no- Johnson & Carter, turnpike company incorporated.

Election of officers and their powers.

tice in one newspaper published at Jonesborough; after which first meeting the stockholders shall be and are hereby constituted a body politic and corporate, by the name and style of the Johnson and Carter Turnpike Company, and together with those who may afterwards subscribe for and purchase stock, shall so constitute, and may own, sell and buy property, sue and be sued, in their corporate name and character, and possess all the rights, privileges and powers, appertaining to bodies corporate and politic by law, and shall have succession for ninety-nine years. The subscribers or a majority of them being present at the first meeting either in person or by proxy, shall elect seven directors who shall be stockholders, who shall elect one of their number president of the board of directors, and the president and directors thus chosen, shall continue in office two years, and until another election shall take place to fill their places, of which election notice shall be given in some paper printed in Jonesborough. The president and directors thus chosen, shall have power to open books and receive subscriptions to the amount of capital stock hereby granted, or to any amount sufficient to build said road; they shall lay out the route along the best, nearest and most practicable route, and shall have power to make contracts for the opening and constructing of said road, and may from time to time call such payments on the stock subscribed, as the debts of the company may require, but no more than two dollars and fifty cents on each share shall be called for at any one time, of which twenty days notice shall be given; said president and directors may also appoint a clerk and treasurer, and such other officers as may be necessary; and transact all the business of said company, and prescribe the duties and fix the pay of its officers and agents.

SEC. 12. *Be it enacted*, That in respect to subscribers, who fail to pay in any call as aforesaid, the said president and directors shall have the same right and power that are granted the Knoxville and Virginia turnpike company, in the second section of their charter:

SEC. 13. *Be it enacted*, That any subscriber as aforesaid, shall have the privilege to discharge the shares he may have subscribed in said road, in work and labor thereon, to be valued at the cash value by three disinterested men chosen jointly by the said subscriber and president and directors, if not agreed upon by the said parties.

SEC. 14. *Be it enacted*, That the style of said road shall be such as is required to be made by the 2d section of the act, passed 20th January, 1846, to incorporate

William C. Story, a corporate or sole, to open and keep in repair a turnpike road in Cocke county.

Sec. 15. *Be it enacted*, That said road shall be constructed in the same manner, and that said company shall be governed by the same rules and restrictions, and have the same privileges, and be subject to the same liabilities as are prescribed in the 3d, 4th, 5th, 6th, 7th, and 8th sections of the act of 1846, chapter 81, incorporating the said William C. Story, not inconsistent with the foregoing provisions of this act, but the said company shall have the time of four years to open and complete said road after the passage of this act.

Sec. 16. *Be it enacted*, That the formation of a company to be called the Washington and Walnut Mountain Turnpike Company is hereby authorized, which, when formed, shall be a body corporate by the name and style aforesaid, and capable to do all lawful acts properly incident to a corporation. Washington & Walnut Mountain Turnpike incorporated.

Sec. 17. *Be it enacted*, That books for subscription of one hundred and fifty shares of twenty dollars each, shall be opened on the first Monday in May, and to be kept open in the same manner as provided for in the foregoing act in respect to the Johnson and Carter turnpike company. Capital Stock.

Sec. 18. *Be it enacted*, That the said books shall be opened by the following commissioners and at the following places to wit: at Longmire's store, by John Brown sr., William Erwin sr., Samuel Bogard, Charles Longmire, Gabriel McIntorff and Benjamin F. Swingle; at Hembree's Furnace, by Thomas J. Wilson, Elarby Embree and John Rigs; at Joneborough by John Blair, William K. Blair, John Reyland and Lander C. Hess. Commissioners

Sec. 19. *Be it enacted*, That said commissioners shall proceed in the same manner, have all the rights, powers and privileges, and be subject to the same restrictions as is provided in the foregoing sections in respect to the Johnson and Carter turnpike company. Rights and powers.

Sec. 20. *Be it enacted*, That said road shall be opened at the most eligible point in the North Carolina line and run to the north bank of the Nolichucky River, what is now called the red banks in the county of Washington.

F. BUCHANAN,

Speaker of the House of Representatives.

J. M. ANDERSON,

Speaker of the Senate.

Passed, February 4, 1848.

CHAPTER CCXV.

An Act to authorize John DeArmond to open a Turnpike Road.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That John DeArmond of the county of Roane is hereby authorized to open and keep in repair a turnpike road from Embree's Iron works in Roane county, to intersect with Scott's Turnpike in Morgan county, the road to be located on the most eligible ground; *provided*, That the said John DeArmond shall within two years from the first of February, 1848, make said road as hereinafter required:

SEC. 2. *Be it enacted*, That it shall be the duty of said John DeArmond to open said road at least sixteen feet wide, except on hill and mountain sides, which shall be twelve feet wide, clear of timber, roots and rocks, which might impede the progress of wagons or other carriages, when the ground over which it passes will permit it to be done; no elevation on said road shall exceed seven and one half degrees, and to bridge all water courses on said road with substantial materials at least fourteen feet wide; and place substantial hand rails on said bridge.

SEC. 3. *Be it enacted*, That Willis Crow and John Wilson be and they are hereby appointed commissioners, who shall be governed by the same rules, and have the same powers that commissioners have on other turnpike roads in this State.

SEC. 4. *Be it enacted*, That the said John DeArmond, his heirs and assigns, are authorized to erect and keep a gate on said road; and to demand and receive from any and every person passing said road at said gate, except persons going to preaching, muster and mill, court, or blacksmith shop, and persons with their stock going to or returning from the range, the following toll, to wit: for each four wheel carriage and its burthen, if drawn by one mule, horse or ox, thirty-seven cents; if by two, fifty cents, and if by four or six horses, seventy-five cents; all pleasure carriages, drawn by one horse or mule, twenty cents; those drawn by two horses or mules, thirty cents; for man and horse ten cents; loose drove horses, mules, or cattle, three cents per head; drove hogs or sheep, one cent.

SEC. 5. *Be it enacted*, That if any person shall forcibly or secretly pass said gate without paying the toll, or go around the said gate, to avoid the payment of toll, such person so offending, shall forfeit and pay five dollars for every such offence, to the said John DeArmond,

Penalty for
passing gate
without toll.

his heirs &c., to be recovered by action of debt, before any Justice of the Peace in this State.

SEC. 6. *Be it enacted*, That the person appointed to keep said gate, by said John DeArmond, shall take the same oath as is prescribed by law for persons keeping other turnpike gates in this State.

SEC. 7. *Be it enacted*, That it shall be the duty of the Commissioners commissioners aforesaid, when notified by the said John DeArmond that said road is in the repair contemplated by this act, to proceed and examine said road, and if they find the same to be in a proper state of repair, they shall issue to said John DeArmond a license authorizing him to take the toll set forth in this act, and it shall be the duty of the aforesaid commissioners to view said road, once at least every six months, and if they find said road out of repair, it shall be their duty to open said gate, and for their services as commissioners shall be entitled to receive from said John De Armond two dollars per day for each day they may be employed about the same. Commissioners duty.

SEC. 8. *Be it enacted*, That the said John DeArmond, his heirs and assigns, shall have and enjoy all the rights and privileges secured by this act, for the term of thirty years, and no longer; *Provided*, That nothing in the foregoing act does not interfere with the vested rights of any other person or persons; *Provided*, The citizens of the counties of Roane and Morgan travelling single horse shall be exempt from toll at said gate. Exemptions from toll.

F. BUCHANAN,

Speaker of the House of Representatives.

J. M. ANDERSON,

Speaker of the Senate.

Passed, February 5, 1848.

CHAPTER CCXVI.

An Act to incorporate the Hermitage Turnpike Company and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That a company is hereby established and incorporated, and declared to be a body corporate and politic for the purpose of building a turnpike road from Hunt's ferry on Cumberland river, so as to intersect the Lebanon and Nashville turnpike road be- Incorporation.

tween the Hermitage and the third gate from Nashville on said road, which company shall be styled the "Hermitage Turnpike Company," and by which name and style they may sue and be sued, and have, enjoy and possess all the rights, privileges and powers appertaining to bodies corporate and politic by law.

Commissioners SEC. 2. *Be it enacted*, That Philip Shute, Sr., J. W. Hoggett, ——— Chambers, Neri Lowe, Williamson Birthwright, Alfred McClain, John D. Taylor, Sion Hunt and F. E. Pitts, be and they are hereby appointed commissioners, with power to make out and lay off said road, and to receive subscription for building the same.

Capital Stock. They shall likewise have power to designate the amount of capital stock of said company, which shall be divided into shares of one hundred dollars each; the whole amount of said capital stock not to exceed twenty thousand dollars, or a sum sufficient to build the road.

Description of road. SEC. 3. The commissioners shall be authorized to make contracts for building the road, and prescribe the width thereof. *Provided*, The same shall be graded at least thirty feet wide, to be covered with stone or gravel not less than sixteen feet wide, with good and sufficient ditches to carry off the water—the road to be substantially gravelled or paved with stone, and to have substantial and sufficient bridges wherever they are necessary.

Elections. SEC. 4. The commissioners, whenever they may have laid out the road and received subscriptions sufficient to make the same, shall elect three out of their number, who shall serve as directors for the space of two years thereafter, and the stockholders shall elect three out of their number to serve as directors; in which election every share holder shall be entitled to one vote.

Toll gate. SEC. 5. When the road is finished it may be lawful for the company to erect one toll gate on the road, at such point as they think proper, and shall have the power to remove the same to any other point. *Provided*, They have but one gate on the road.

Powers. SEC. 6. The company shall be entitled to all the powers and privileges that the Lebanon and Nashville turnpike company are or may be entitled to by law, and the charter of said company shall be the charter of this company, except where its provisions are inconsistent with this act.

Further time given to Abner Phillips. SEC. 7. *Be it enacted*, That the further time of two years, from the passage of this act, be given to Abner Phillips, of Fentress county, to make his turnpike road in said county.

SEC. 8. *Be it enacted*, That William M. Bledsoe and

William French, of Fentress county, John B. Rogers and Thos. Cooper, of White county, are hereby incorporated with power to open and keep in repair a turnpike road from, at, or near William French's, in Fentress county, to intercept the Crab Orchard turnpike road, near Mrs. Price's, in White county, in the direction of Sparta. Bledsoe & French's turnpike incorporated.

Sec. 9. The said turnpike road shall be under the same rules, regulations and restrictions that are given and imposed on Burton Marchbanks by an act passed at the present session of the General Assembly, and that Alexander Robertson and Jacob A. Lane, of White county, be appointed commissioners on said road. Commissioners

Sec. 10. *Be it enacted*, That William Bosson and his associates be incorporated a company to open and keep in repair a turnpike road, commencing at Woodbury, in Cannon county, thence through a gap in the Short Mountain at William Woods, thence the most practicable route to the Caney Fork near the falls on the same; said road shall be made, and in all things so far as can be made applicable to this charter, governed by a charter granted at the present session of the General Assembly, to the McMinnville and Chattanooga turnpike company, and receive the same toll; and William Cope and William Woods are appointed commissioners on said road, and shall be governed by the same rules and restrictions in all things that the commissioners are governed by on the McMinnville and Chattanooga turnpike road. Bosson and others turnpike incorporated.

F. BUCHANAN,

Speaker of the House of Representatives.

J. M. ANDERSON,

Speaker of the Senate.

Passed, February 5, 1848.

CHAPTER CCXVII.

An Act to incorporate the Jamestown and Crossville turnpike company, and to incorporate the Chattanooga House Company.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That a company to consist of the subscribers for the stock thereof, is hereby incorporated by the name of the Jamestown and Crossville turnpike company, for the purpose of constructing and using a road from James Ormes, in Bledsoe county to Crossville, on Cumberland Mountain in said county, and from

Incorporation. Crossville to intersect Taylor's or Scott's turnpike in a direction of Jamestown in Fentress county, at such point as the majority of the directors of said road may determine, which company shall, in every respect, have and enjoy all the rights, powers, privileges and tolls and immunities, and be subject to all the liabilities and restrictions so far as the same is applicable, which are given and imposed upon the McMinnville and Chattanooga turnpike company at the present session of the General Assembly.

Capital Stock. Sec. 2. The capital stock of the Jamestown and Crossville turnpike company shall be fifteen hundred dollars, divided into shares of ten dollars each, and William M. Orme, James L. Schoolfield and James Scott, of Bledsoe county, and Joshua Wright, Pleasant Taylor and Abner Phillips, of Fentress county, are hereby appointed commissioners, who, or a majority of whom, shall receive subscription of stock in said company at such time and in such manner as a majority may deem most expedient for the interest of the company; any subscription made in work, the said board of directors hereafter to be provided for, shall fix the value thereof and give certificates of stock accordingly.

Election of officers. Sec. 3. *Be it enacted*, That so soon as five hundred dollars of stock is subscribed, the stockholders may, after giving twenty days notice at four public places, two in Fentress county and two in Bledsoe county in the vicinity of the road, by advertisement of the meeting of the stockholders, which meeting shall be held at Crossville in Bledsoe county, and if a majority of the stockholders meet, they shall proceed to elect from their own body five directors, who shall take an oath to discharge their duty as directors of said company, who shall elect one of their body President, and any other officers they may deem necessary to transact the business of the company; the directors may continue to receive subscription for stock until the whole of said capital stock is subscribed for, and they shall hold their office for two years, and until others are elected and qualified.

Time for completion. Sec. 4. *Be it enacted*, That if said road is not completed in five years from the passage of this act, this charter shall be void and of no effect.

4 years allowed to finish D. Smith's road. Sec. 5. *Be it enacted*, That Larkin Canada of Fentress county, C. C. Davidson and S. F. Byrd, the proprietors of a turnpike road granted to D. Smith, be allowed the further time of four years to complete said road, and that they be authorized to change the south west end of said road the most practicable route to Sherill's gap, in Bledsoe county.

SEC. 6. *Be it enacted*, That J. J. Gill, James Erwin, ^{Chattanooga} James A. Porter, John B. Johnson, John Kirkman, D. ^{House Com-} T. Scott, and such ~~other~~ persons as may hereafter become shareholders of the capital stock of the company hereby incorporated, and their successors to the rights hereby conferred, he and the same are hereby constituted a body politic and corporate by the name and style of the "Chattanooga House Company," and the said stockholders shall have succession, and by their corporate name may sue and be sued, plead and be impleaded, purchase and dispose of real and personal property for the benefit of said corporation, and may have and use a corporate seal.

SEC. 7. *Be it enacted*, That the members of said corporation shall have full power to elect on the first Monday ^{Election of} of May, in each and every year, a board of directors, which board shall consist of five persons, who shall be stockholders; and said directors shall elect from out of their own body a president to serve during said year, said president and directors shall have power to pass all by-laws, necessary for the government and management of said corporation, and shall appoint a secretary and treasurer, and may require bond and security from said treasurer, and should vacancies occur, the said president and directors shall appoint some one or more to fill the same until the next election after such vacancy or vacancies may have occurred.

SEC. 8. *Be it enacted*, That a majority of said directors, shall constitute a quorum to do business, and in the ^{Power to call} absence of the president, any director nominated by him ^{meetings} shall fill his place, and if he has not nominated one the said directors shall nominate one from among themselves, who for the time being shall possess all the powers and privileges of the president under this act; said board of directors shall have power to meet upon their own adjournments, and should a called meeting or meetings be at any time necessary, a majority of the shareholders shall request the president or in his absence the secretary, and in his absence any one of the directors to call said board together, which request shall be in writing; and the said president and the said member or secretary, when so requested, shall notify the members of said board and state the time and object of the meeting.

SEC. 9. *Be it enacted*, That the directors shall be ^{Scale of votes} elected by the votes of the stockholders. One share shall be entitled to one vote, from one to four shares two votes; from four to seven shares to three votes; from seven to ten shares to four votes; from ten to fifteen shares to five votes; from fifteen to twenty shares to six votes; from

twenty to thirty shares to seven votes; from thirty to forty shares to eight votes; from forty to fifty shares to ten votes; and for each five shares above fifty to one vote, and no stockholder shall in his own right be entitled to more than twenty votes for any number of shares. At any election of directors the five persons receiving the highest number of votes shall be considered elected, whether the number of votes given for any of them be a majority of the votes given or not.

Capital Stock. SEC. 10. *Be it enacted,* That the capital stock of said company shall be the sum of thirty-five thousand dollars, to be divided into shares of one hundred dollars each, but the amount of said capital stock may from time to time, as the said directors may think it expedient, be increased to any sum, not exceeding the sum of ninety thousand dollars.

To build Hotel. SEC. 11. *Be it enacted,* That it is the intent and object of this act of incorporation, to authorize and empower said company to erect in the city of Nashville, a public hotel, and to that end the said board of directors, shall have power to purchase suitable grounds for the site of said hotel, to determine what buildings and improvements shall be erected on said site, to prescribe the plan thereof, to contract for the construction of the same, to lease the same when completed, to collect the rents, to superintend and make contracts for the necessary and convenient repairs of the premises from time to time, during their occupation as the property of said company.

SEC. 12. *Be it enacted,* That the said board of directors shall not have power, by any act or contract of theirs, to bind any stockholder beyond the amount of his stock, and the issues and profits thereof.

Dividends. SEC. 13. *Be it enacted,* That it shall be the duty of said board of directors, to make dividends of the profits of the establishment among the stockholders, in proportion to the amount of stock held by each, unless said directors shall determine (as they may) to extend said profits in additions and further improvements to said buildings.

May sue for calls. SEC. 14. *Be it enacted,* That if any share holder of said capital stock, shall at any time fail or refuse to pay any instalment, due for his share or shares, within ninety days from the time the same has become due and payable, the said directors may cause an action at law to be commenced for the same, in the name of said corporation, or they may, at their election, cause the stock of said delinquent stockholder to be forfeited to the company.

Sec. 15. That no share or shares of said stock shall be transferable without the assent of the board of directors thereto, unless the whole amount of shares is paid; and the share or shares of any stockholder may be sold by execution at law, upon any judgment obtained in favor of said company, and the purchaser shall hold the same with all the incidents and privileges thereto attached in the hands of the original holder. Stock may be sold.

Sec. 16. *Be it enacted*, That no delay in procuring said capital stock to be taken, shall work a forfeiture of this charter, nor shall it be forfeited by an omission to elect said board of directors on the days above specified, until after the first election of directors and organization of said board, pursuant thereto. Delay shall not work a forfeiture.

Sec. 17. *Be it enacted*, That G. W. Gibson, Henry Pruitt, E. T. Childress, B. G. White, Thomas H. Jamison, Robert C. Miller, F. G. Miller, James Nichol, Robert Simms, and James Daniel, be, and they are hereby appointed commissioners to open books for the subscription of stock, to construct a McAdamized Turnpike road, commencing near Hoover's Gap, and pursuing the old road, as near as possible, by the way of Millersburg, to a point on the Shelbyville and Murfreesboro' turnpike road known as Daniel and Murfree's cotton gin, where the old road now intersects the turnpike. Millersburg Turnpike Co. incorporated.

Sec. 18. *Be it enacted*, That the capital stock of the company shall be twenty thousand dollars, divided into shares of twenty-five dollars each, and as soon as five thousand dollars of said stock is subscribed, any three or more of said commissioners shall call a meeting of the stockholders in said company at Millersburg, by giving fifteen days notice of the time and place of meeting in some newspaper, and also at such public places, as the commissioners may determine, and at such meeting the subscribers for stock, in said road, shall elect seven directors, one of whom shall be President, who shall hold their office for two years, and until their successors are elected. Capital Stock.

Sec. 19. *Be it enacted*, That the president and directors may, in such manner as they may think best, solicit and procure additional subscription for stock, and shall either by themselves or some competent person, elected by them, mark and lay off said road, which shall be graded twenty feet wide, within five degrees of a level, and covered with stone or gravel, sixteen feet wide, and nine inches deep. Description of road.

Sec. 20. *Be it enacted*, That said president and directors shall be, and they are hereby made a body politic and corporate, by the name and style of the Millersburg Powers.

Turnpike Company, and may have all the immunities and privileges of the Murfreesborough and Manchester Turnpike Company, so far as they are applicable, and be subject to the same liabilities.

Gates.

SEC. 7. *Be it enacted*, That said company may erect two gates upon said road, when it is completed, and receive the same rates of toll as the Murfreesborough and Manchester turnpike company receives.

F. BUCHANAN,

Speaker of the House of Representatives.

J. M. ANDERSON,

Speaker of the Senate.

Passed, February 6, 1848.

CHAPTER CCXVIII.

An Act to incorporate the Nashville and Hillsboro Turnpike Company, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the*
Incorporation. State of Tennessee, That the subscribers for the stock hereinafter mentioned shall be and they are hereby constituted a body politic and corporate by the name and style of the Nashville and Hillsboro Turnpike Company, and by that name may sue and be sued, plead and be impleaded, and have a common seal and succession for ninety-nine years.

SEC. 2. *Be it enacted*, That John Kirkman, Benjamin
Commissioners Litton, Samuel Watkins, William Scruggs, B. M. Barnes and Sidney P. Smith, or any five of them are hereby appointed commissioners to open books to receive subscriptions for stock in said company, at such times and places as they may deem best—the books to be opened at least within four months from the passage of this act.

SEC. 3. *Be it enacted*, That the capital stock of the
Capital Stock. company shall be one hundred thousand dollars, to be increased if necessary—divided into shares of one hundred dollars each, and applied to make a McAdamized road from Nashville to the foot of Duck River Bridge near Hillsboro in the county of Williamson, and in the direction to Williamsport in Maury county.

SEC. 4. *Be it enacted*, That the road shall begin at the mouth of Broad street, extended, in the city of Nashville,

through the lands of John Boyd's heirs—thence so that a southwardly line will strike the lands of Benj. Litton; thence through his lands nearly south until it strikes the lands of John Bain; thence through the Montgomery; Samuel Watkins, Castleman's, John Boyd's, and H. W. Compton's tracts of land, passing through two gaps of the hills east of Compton's residence so as to intersect the Compton road near the Cartwright's old place, Willo. Williams'; then crossing Big Harpeth at whatever point the commissioners may select in the general direction towards Hillsboro in Williamson county.

SEC. 5. *Be it enacted*, That Felix Compton, Wm. P. Cloyd, Wm. Edmiston and Joseph Motherel shall be commissioners to locate said road, and when the sum of thirty thousand dollars is subscribed, the commissioners to receive subscription, shall in some newspaper of Nashville give twenty days notice of a meeting of the stockholders, in Nashville, to elect directors, pass by-laws, and organize the company.

SEC. 6. *Be it enacted*, That the company are authorized to demand and receive toll at each gate not exceeding the following rates, viz: for every twenty head of sheep or hogs, ten cents, for every twenty head of horned or neat cattle, twenty-five cents; for every horse or mule, not employed in drawing a carriage, three cents, and so in proportion for any larger or less number of the above mentioned animals; for every pleasure carriage, drawn by two or more horses or mules, twenty-five cents; if drawn by three or more horses or mules, thirty-five cents; for every carriage, wagon or cart, drawn by one horse, ten cents; for every loaded wagon, drawn by two horses, mules or oxen, fifteen cents, for the same empty, ten cents; for every loaded wagon, drawn by three horses, mules or oxen, twenty cents; for every loaded wagon, drawn by four horses, mules or oxen, twenty-five cents, and for every additional horse, mule or oxen employed in drawing a wagon, five cents. *Provided*, That every wagon, drawn by more than six horses, mules or oxen, may be charged ten cents for each horse, mule or oxen, over six, unless the tire of said wagon shall be at least four inches wide; for every empty wagon, not otherwise provided for, half the toll charged upon the same when loaded; for every man and horse, five cents; every vehicle used for the purpose of carrying burdens, shall be charged as wagons, in proportion to load.

Rates of toll.

SEC. 7. *Be it enacted*, That the number of gates to be erected upon said road, shall not exceed five, and no two gates shall be nearer to each other than five miles.

Number of gates.

SEC. 8. *Be it enacted*, That the provisions of the act

of the 31st December, 1829, incorporating the Franklin Turnpike Company, and of the act of the 25th of January, 1838, incorporating the Charlotte and Harpeth Turnpike Company, shall extend to the Nashville and Hillsboro' Turnpike Company, except when otherwise provided for by this act.

SEC. 9. *Be it enacted,* That if said company shall fail
 When road to or refuse to complete thirteen miles of said road within
 be completed. six years from the passage of this act, they shall forfeit
 their charter.

SEC. 10. *Be it enacted,* That all persons who shall be-
 Franklin and come stockholders in the way and manner hereinafter
 Lewisburg T. mentioned, shall be, and they are hereby constituted a
 Company. body corporate, by the name and style of the Franklin
 and Lewisburg Turnpike Company, and by that name
 may sue and be sued, plead and be impleaded, and have
 and enjoy all the rights, privileges and powers apper-
 taining to bodies politic and corporate by law, and shall
 have succession for ninety-nine years.

SEC. 11. *Be it enacted,* That the capital stock of said
 Capital stock. company shall be seventy thousand dollars, with the
 privilege of increasing it to one hundred thousand dol-
 lars, if it should be necessary to the completion of the
 said road. Said capital stock to be divided into shares
 of one hundred dollars each.

SEC. 12. *Be it enacted,* That the following persons
 Commissioners shall be commissioners for the purpose of opening books
 for subscription of stock in said company, at the places,
 to wit:

At Franklin, Richard Alexander, John Cowles, Samuel Lee, John McGavock, and M. C. H. Puryear.

At Casey's Springs, Aaron C. Wilson, Hartwell H. Baker, Andrew M. McLean, John R. Jones, Grant J. Allen, and Henry Martin.

At Berlin, Jackson Liggett, Samuel Ewing, Humphrey Hardeson. Brevard Huggins, John Williamson, Purvines Fox, and G. B. Black.

At Lewisburg, John R. Hill, James V. Ewing, William D. Fisher, C. W. Black, Elisha Hurt, Thomas F. Winston, and Daniel G. Bills.

At Hurt's Roads, Robert A. Glenn, William Hurt, Aaron Boyd, John Wall, Thomas Jones, and George Chrisman.

Any two of the above named persons shall be competent to open books at any one of the above named places. The said commissioners shall give twenty days notice of the time of opening said books, and so soon as twenty thousand dollars of stock is subscribed, they shall call a meeting of the stockholders, by giving twenty days

notice, in some newspaper published in the vicinity of the road, which meeting shall be held at Casey's Springs; and at said meeting, said stockholders or a majority of them being present, in person or by proxy, shall elect seven directors, who shall be stockholders; and said directors shall choose one of their body president, and said president and directors shall continue in office for one year, and until their successors shall be elected and qualified, which shall be done at the end of each year from the time of the first election, of which thirty days notice shall be given in some newspaper published in the vicinity of said road. The said president and directors shall have all the powers, and perform all the duties designated by the act of 1835, chap. 15, incorporating the Lebanon and Nashville Turnpike Company; and the said body corporate shall have and enjoy and possess all the rights, powers and privileges, subject to the same conditions, limitations, and restrictions, granted to, and imposed upon the Lebanon and Nashville Turnpike Company by virtue of the charter granted the 12th day of February, 1836, except so far as the provisions of this act and the laws of the State come in conflict with the same.

Election of
officers.

Powers.

SEC. 13. *Be it enacted*, That the president and directors, or any five of them, shall be sufficient to transact any ordinary business; and all vacancies happening in the board between the regular meetings of the stockholders, shall be supplied by the directors, two-thirds being present.

Quorum.

SEC. 14. *Be it enacted*, That immediately after the election of directors, they, or a majority of them, or such persons as they may appoint, shall proceed to designate and mark out the route from Franklin, or any point on the Franklin and Columbia road, they may deem proper, not exceeding two miles, from Franklin to Lewisburg; and each director or person so engaged, in marking out said route, shall be allowed two dollars per day, to be paid by the company, for each day necessarily engaged in the same.

To mark out
route.

SEC. 15. *Be it enacted*, That said road shall be opened at least thirty feet, with ditches at each side, to carry off the water; the surface shall gradually descend from the centre to the ditches; it shall be substantially paved with stone or gravel, and have substantial and sufficient bridges wherever they are necessary; and said company shall have power to contract with the county court of Marshall county, for the bridge over Duck river, near the mouth of Rock creek, upon such terms as they may agree. *Provided*, A majority of all the magistrates of

Description of
road.

said county vote in favor of such contract. *And provided*, That no citizen of Marshall county shall be required to pay toll for crossing said bridge; nor shall any toll gate be erected nearer said bridge than one and one-half miles.

SEC. 16. *Be it enacted*, That the directors elected under this act, shall cause the books, for the subscription of stock, to be kept open under the superintendence of such persons as they may appoint at the places before mentioned, or any other places they may deem proper, for the subscription of stock; and if at the end of thirty days, after the election of said directors, they should deem that there is not enough stock subscribed to build said road, they may proceed to have the making of each half mile or mile of said road, or so much thereof as they may think proper, valued, and any person or persons undertaking and making any such half mile or mile of said road, shall be credited on the books of the company with an amount of stock equal to the valuation of making said mile or half mile of road, and certificates of stock shall be issued as though the money had been paid.

SEC. 17. *Be it enacted*, That in the event of any person or persons undertaking any part of said road in pursuance of the above section, and failing to have the same finished within the time he, she or they contracted to have the same done, all of the work that he, she or they may have done on said road, shall be forfeited to the company.

SEC. 18. *Be it enacted*, That whenever five miles of said road is finished, beginning at Franklin or at some point on the Franklin and Columbia road, not exceeding two miles from Franklin or Lewisburg, said company may erect one toll gate and continue to erect one toll gate for every additional five miles of road completed, according to the intent and meaning of this act; but no toll gate shall be erected nearer Franklin on the Franklin and Columbia road or Lewisburg than one and a half miles.

SEC. 19. *Be it enacted*, That the said company are authorized to demand and receive toll at each gate not exceeding the following rates, to wit: for every twenty head of hogs, ten cents; for every twenty head of horned or neat cattle, twenty-five cents; for every twenty head of sheep, ten cents; for every horse or mule, led or in a drove, three cents; and so in proportion for any greater or less number of the above named animals; for every pleasure carriage drawn by two horses or mules, twenty-five cents; if drawn by three or more horses or mules,

thirty-five cents; for every carriage, wagon, or cart drawn by one horse or mule, ten cents; for every loaded wagon drawn by two horses, mules or oxen, fifteen cents; for the same empty, ten cents; for every loaded wagon drawn by three horses, mules or oxen, twenty cents; for every loaded wagon drawn by four horses, mules or oxen, twenty-five cents; and for every additional horse, mule or oxen employed in drawing a wagon, five cents; *Provided*, that every wagon drawn by more than six horses, mules or oxen may be charged ten cents for each horse, mule or oxen more than six, unless the tire of said wagon shall be at least four inches wide; for every empty wagon not otherwise provided for, half the toll charged for the same when loaded; for every man and horse, five cents; and for every other vehicle used for the purpose of carrying burthen, the same as wagons in proportion to their loads.

SEC. 20. *Be it enacted*, That said company shall begin said road on or before the 25th day of December, 1849, and finish the same in six years from the passage of this act, or they shall forfeit this charter.

SEC. 21. *Be it enacted*, That in letting out the making of said road, the subscribers of stock shall have the preference: *Provided*, they will do the work as low as any other persons offering to do the same.

SEC. 22. *Be it enacted*, That the charter of the Franklin turnpike company be, and the same is hereby so amended that said Franklin turnpike company may subscribe and take stock in the company hereby created: *Provided*, a majority of the directors of said Franklin turnpike company shall vote in favor of so doing.

SEC. 23. *Be it enacted*, That the provisions of this charter, so far as they relate to the Franklin and Lewisburg turnpike company, are hereby extended to Fayetteville in Lincoln county, and from thence to the Alabama State line, at a point on or near the Meridian road: *Provided*, there shall be stock enough subscribed to continue said road from Lewisburg to Fayetteville, and in that event the capital stock is hereby increased to one hundred and fifty thousand dollars, with privilege to increase it to two hundred thousand dollars, if necessary to the completion of the road; and the following persons are hereby appointed commissioners to open books for subscription of stock to the same, to wit: David R. Smith, Jacob Gillespie, Cadwallader J. Claybourn, James Broadaway, Joseph Morris, Blackmore, Esq., and Henry H. Rives, at Petersburg in Lincoln county; Charles McKinney, James Fulton, William Bonner, A. T. Nicks, John March, Alfred Smith, B. Metcalf,

When to be begun & finished.

Subscribers to have preference.

Franklin T. Co. charter amended.

Road may continue to Ala. line.

Samuel E. Gilleland and Peyton Wills, at Fayetteville, any two of whom may open books at any of the named places.

SEC. 24. *Be it enacted*, That should the road be built or under contract from Lewisburg to Duck river in two years from the passage of this act, and there should not be stock subscribed or means provided to continue the same to the town of Franklin or the Franklin and Columbia road, then the part of said road finished, or under contract may become part of any other road leading in the direction of Nashville; and no other road leading in the direction of Nashville shall join to or become a part of said road, only on such terms as the directors of the Franklin and Lewisburg turnpike company may agree to.

J. L. Wingfield's road

SEC. 25. *Be it enacted*, That Joseph L. Wingfield of the county of Benton, be authorized to open a turnpike road, commencing at the mouth of Cypress creek, on the west side of Tennessee river in Benton county, and running on the nearest and best line for a road to near the present residence of James Wafford, on the Camden and Paris road, about two miles from the said river.

Description of road.

SEC. 26. *Be it enacted*, That it shall be the duty of said Wingfield to open said road so as to average twenty feet in width, clear of timber, trees and rocks, and to be six degrees or less, so that the passage of horses, carriages, &c., be not impeded, and the said road to be completed within two years from the passage of this act.

Rates of toll.

SEC. 27. *Be it enacted*, That the said Wingfield, his heirs and assigns, are authorized to keep a gate on said road and to demand and receive from any person passing said road the following rates of toll, viz: wagon with six horses, mules or oxen, twenty-five cents; wagon with four horses, mules or oxen, twenty cents; for each cart, ten cents; for each four wheeled pleasure carriage, twenty-five cents; for each two wheeled pleasure carriage, twenty cents; for each carryall, dearborn, buggy or two horse wagon, fifteen cents; for man and horse or mule, five cents; for all loose horses, mules or cattle, two cents each; for hogs and sheep, one cent each.

Penalty for passing gate.

SEC. 28. *Be it enacted*, That if any person or persons shall forcibly or secretly pass said gate without paying toll, such person or persons so offending, shall forfeit and pay ten dollars for every such offence, to be recovered by said Wingfield, his heirs and assigns, before any Justice of the Peace in said county.

Commissioners duty.

SEC. 29. *Be it enacted*, That S. C. Pavatt, Willis Rushing, E. Perkins, A. F. Rauton, E. G. Hatchett, R. T. Rushing, and N. G. Pate of said county are hereby appointed commissioners, whose duty it shall be when

satisfied by said Wingfield, that said road is completed, to proceed to examine said road, and if they or any three of them shall find the same in a proper state of repair as contemplated in this act, they shall issue to said Wingfield, a license authorising him to take the toll hereinbefore set forth, and for their services as commissioners they shall be entitled to receive from said Wingfield, one dollar per day for every day they may be employed about the same.

SEC. 30. *Be it enacted*, That the said Joseph L. Wingfield, his heirs and assigns shall enjoy all the rights and privileges received by this act, for ninety-nine years and no longer.

SEC. 31. *Be it enacted*, That if any person or persons shall give information on oath to said commissioners that said road is not kept in repair as contemplated by this act, by said Wingfield, then it shall be the duty of said commissioners forthwith to examine the same, and if they find the road not in the condition contemplated by this act, it shall then be their duty to open the gate, and it shall remain open until said road is put in repair, and if the said Wingfield shall neglect or refuse to keep the same in repair for twelve months at any time, it shall be deemed and taken to be a forfeiture of all the rights and privileges hereby conferred. When gate to be opened.

SEC. 32. *Be it enacted*, That if the said Wingfield directly or indirectly exact, or receive any toll from any person or persons while said road is out of repair, and the gate opened by the commissioners, he shall forfeit the sum of five dollars to be recovered by any person from whom said illegal toll may be taken before any Justice of the Peace of said county. Penalty for taking toll wrongfully.

SEC. 33. *Be it enacted*, That if any or all of said commissioners shall die or remove from said county, then and in that case it shall be the duty of the county court of said county upon petition being presented by any person or persons, to appoint another commissioner or commissioners in his or their places. County Court to fill vacancies

SEC. 34. *Be it further enacted*, That James L. Cash, Moses Thompson, Edward E. Wossen, and Matherson S. Greer heretofore appointed commissioners, in the charter granted to Moses Thompson, on the 30th day of January, 1840, to build a turnpike road, be and they are hereby appointed to act as such commissioners under the extension and provision of the act passed on the 5th day of February, 1842, extending the privilege of said charter to eighteen years. Moses Thompson's road.

SEC. 35. *Be it enacted*, That Thomas K. Wyly of the county of Humphreys, be authorized to open and build a road. T. K. Wyly's road.

turnpike road in Benton county, commencing at his Ferry Landing, opposite the town of Reynoldsburg, and to run directly on the best ground and with, in part, his high water road, heretofore opened by said Thomas K. Wyly, to the foot of the Pilot Knob; thence with said road to where it intersects the Huntingdon stage road, or on the best ground near to said road, in all three miles; the said road to be opened twenty feet wide, and to be gravelled from the Tennessee River to the Pilot Knob; the balance of said road to where it intersects the Paris and Huntingdon roads, to be put in good repair. Said road to be completed in two years from this date.

Rates of toll. SEC. 36. *Be it enacted*, That the said Thomas K. Wyly or his legal representatives, be authorized to erect a gate on said road when completed, and receive the following tolls from the person or persons who may travel said road, viz: for each wagon and team, twenty-five cents; for each cart, ten cents; for each four wheeled carriage, twenty-five cents; for each buggy or dearborn wagon, fifteen cents; for each horse and rider, five cents; for each loose horse, mule, or head of cattle, two cents; for each head of hogs or sheep one cent.

Penalty for passing gate. SEC. 37. *Be it enacted*, That if any person or persons shall foreibly or secretly pass said gate, without paying said tolls, the said Thomas K. Wyly or his legal representatives, are hereby empowered to recover of said persons so offending, the sum of ten dollars for each offence, before any magistrate of Benton or Humphreys counties.

SEC. 38. *Be it enacted*, That the said Thomas K. Wyly, his heirs or assigns, shall enjoy and have this privilege for ninety-nine years and no longer.

Commissioners SEC. 39. *Be it enacted*, That Wyly Arnold, Robert Holmes and Daniel Suttels, are hereby appointed commissioners of said road, being citizens of Benton county, whose duty it shall be when it is made known to them, by said Wyly, that said road is completed as contemplated, to examine said road, and if they or any two of them consider that it is finished as contemplated by this act, they, the said commissioners, shall issue the said Thomas K. Wyly a license to receive the before mentioned tolls.

Vacancies—how filled. SEC. 40. *Be it enacted*, That the said Thomas K. Wyly shall pay each commissioner one dollar per day, that they may be employed in examining said road. If any of said commissioners hereby appointed shall die, remove, or resign, then it shall be the duty of the county court of Benton county, to fill such vacancies that may happen.

SEC. 41. *Be it enacted*, That if any person shall on

oath represent to said commissioners, that said road is out of repair, it shall be the duty of said commissioners to proceed to examine said road, and if they find said road in bad order, they shall open said gate, and it shall remain open until the road is put in the order as contemplated by this act. Commissioners to examine road.

SEC. 42. *Be it enacted*, That if the said Thos. K. Wyly, or his representatives, should fail to put said road in good order, in twelve months from the time that the gate is set open, he, the said Wyly, shall forfeit all the privileges hereby granted. When charter forfeited.

SEC. 43. *Be it enacted*, That the authority granted to Joseph L. Wingfield, to build a turnpike from the mouth of Cypress creek to the Paris road, and erect a gate on said road, said gate shall not be more than two hundred yards from the Tennessee river, also the gate that Thos. K. Wyly is authorized to place on his road, shall be at the river. Wingfield's road.

SEC. 44. *Be it enacted*, That the act to incorporate the New Orleans and Ohio Telegraph Company, passed 18th October, 1847, be so amended that said company shall not charge higher rates, in proportion to distance, than are now charged on the Telegraph lines from Philadelphia to St. Louis, constructed by Henry O'Reilly. N. Orleans & Ohio Telegraph Company.

SEC. 45. *Be it enacted*, That Samuel Parker, Forister Fifer, Joseph G. Mitchell, James W. Copeland and Daniel M. Doyel, of White county; and Fines Plumley, Joseph Cummings, William L. Mitchell, Gabriel P. Cummings, William Dotson and W. B. Huddleston, of Van Buren county; be and they are hereby authorized to open books to receive subscriptions for stock in shares of twenty dollars each, for the purpose of building a bridge across the Caney Fork river, at such point as a majority of the directors hereafter provided for may designate. White & Van Buren Bridge Company.

SEC. 46. *Be it enacted*, That when the sum of one thousand dollars shall be subscribed for, the stockholders are hereby incorporated a body politic and corporate, under the name and style of the White and Van Buren Bridge Company, and under said name may sue and be sued, and have succession for ninety-nine years. Incorporation.

SEC. 47. *Be it enacted*, That the capital stock of said company shall be two thousand dollars, and when the sum of one thousand dollars shall be subscribed, the commissioners shall give twenty days notice by advertisement, at two public places in each of the counties of White and Van Buren, and in the vicinity of the Caney Fork river, of the time and place for the meeting of said stockholders, and if a majority of the stockholders meet they shall proceed to elect five directors, who shall be Capital Stock.

Election of stockholders; each stockholder shall be entitled to one vote for each share, and the five having a majority of all the votes present, shall be the directors, who shall take an oath truly and faithfully to discharge their duties. Said directors shall elect one of their body president, and they may appoint all other officers they may deem necessary to transact the business of said company, and the directors may continue to receive subscriptions until the whole of said capital stock is subscribed for; they shall hold their office for the term of two years, and until others are elected and qualified.

Rates of toll.

SEC. 48. *Be it enacted,* That the tolls for passing said bridge shall be as follows, to wit: for every four wheel wagon drawn by over four horses, mules or oxen, seventy-five cents; if drawn by four horses, mules or oxen, sixty cents; if drawn by two horses, mules or oxen, thirty-five cents; for each cart drawn by two horses, mules or oxen, twenty-five cents; if drawn by one, twenty cents; for each carryall wagon drawn by two horses, mules or oxen, thirty cents; if by one, twenty-five cents; for each pleasure carriage drawn by more than two horses or mules, seventy-five cents; if by two, fifty cents; if by one, thirty cents; for each man and horse or mule ten cents, for each led horse five cents, for each head of horses or mules in a drove three cents, for each head of cattle, hogs or sheep one cent.

SEC. 49. *Be it enacted,* That any person passing said bridge without paying the above tolls when demanded, shall forfeit the sum of five dollars for the use of said company, to be recovered by action of debt, before any Justice of the Peace for White or Van Buren counties.

F. BUCHANAN,

Speaker of the House of Representatives.

J. M. ANDERSON,

Speaker of the Senate.

Passed, February 3, 1848.

CHAPTER CCXIX.

An Act to incorporate the Montgomery Turnpike Company, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That Julian F. Scott, and William J. Scott, their associates and successors, are hereby incorporated and made a body politic, to be called the

Montgomery Turnpike Company, with power and authority to construct, continue and keep in repair a turnpike road; commencing on the south bank of Wolf river, in Fentress county, near Crockett's old stand; thence running up Cumberland mountain, so as to avoid bluffs and creeks, as far as practicable, passing through Jamestown to Montgomery, in Morgan county, crossing the Clear fork of Cumberland river, at the most convenient place; over which stream they shall erect and keep up a good and substantial bridge; thence from Montgomery to Moses Winter's, in the county of Roane, with a branch road, leaving the same at or near Davidson's old place, and extending to the Walter road near the Standing Stone.

SEC. 2. *Be it enacted*, That the said road, in all respects, be opened and kept in repair, as prescribed by an act, passed 16th November, 1819, entitled "an act to open and establish a turnpike road from a point at or near Davidson's, on Pile's turnpike road, to intersect the Cumberland turnpike road between Robert Johnston's and the Standing Stone, and for other purposes." And the proprietors of the road hereby established, shall have the same tolls, rights, powers, and privileges, as are conferred by said act on the proprietors of that road, and in all respects be under the same liabilities and restrictions. Description of road.

SEC. 3. *Be it enacted*, That William Bowman and Joel Dyer, of Morgan county, and A. A. Swope, of Fentress county, be, and they are hereby appointed commissioners of said turnpike road, who shall perform the same duties, take the same oath, and receive the same compensation prescribed for the commissioners of the road aforesaid, by the act of 1819. Commissioners

SEC. 4. *Be it enacted*, That said company be, and they are hereby authorized to erect and keep a gate on said road, north of Jamestown, in the county of Fentress, and shall be entitled to demand and receive half toll at said gate, in the county of Fentress. Gate in Fentress.

SEC. 5. *Be it enacted*, That said company shall keep up a gate on said road at Montgomery, in the county of Morgan, and shall demand and receive full toll at said gate, in the town of Montgomery, and county of Morgan, and in no case shall the company suffer any traveler or stock drover to pass or repass said gate free of tollage; under the penalty of forfeiting their charter. Gate in Morgan.

SEC. 6. *Be it enacted*, That the citizens of the county of Fentress shall not be liable to pay toll at the gate in the county of Fentress.

SEC. 7. *Be it enacted*, That the citizens of the county

of Morgan, shall in like manner be exempt from paying toll at the gate in Morgan county.

R. Officer's in
terest protect-
ed.

SEC. 8. *Be it enacted*, That nothing in this act contained, shall be so construed as to impair or lessen any interest that the heirs or legal representatives of Robert Officer, deceased, may have legally and rightfully on said road.

SEC. 9. *Be it enacted*, That the said company incorporated, shall continue, and the said Julian and William J. Scott, shall have the right to said road, and to keep the said gates under said restrictions, and complying with this act, for fifty years, and no longer, under this charter.

Hyde's Ferry
Turnpike Co.

SEC. 10. *Be it further enacted*, That Thomas Harding, David T. McGavock, Richard Hyde, R. A. Barnes, Lewis Williams, William J. Drake, Edmund Hyde, O. A. Simpkins, Dennis Dozier, and Thos. W. Shearon, be and they are hereby appointed commissioners to open books, at any time and place they may choose, for the subscription of stock, to be used in constructing a turnpike road from Nashville, via Hyde's ferry, to the ford of Sycamore creek, below White's (now Simm's mill.)

Capital Stock.

SEC. 11. *Be it enacted*, That the capital stock of said company shall be thirty thousand dollars, divided into shares of twenty-five dollars each.

Election of
officers.

SEC. 12. *Be it enacted*, That so soon as five thousand dollars of said stock shall be subscribed, any three or more of said commissioners shall call a meeting of the stockholders in said company, at Zion meeting house, by giving fifteen days notice in some newspaper published in the City of Nashville. And at such meeting the subscribers of stock in said road, shall elect seven directors, one of whom shall be president, who shall hold their office for two years, and until their successors are elected.

Route of road.

SEC. 13. *Be it enacted*, That the president and directors may, in such manner as they may think best, solicit and procure additional subscriptions for stock, and shall, either by themselves or some competent person or persons appointed by themselves, mark, lay out, and locate said road; commencing at or near the City of Nashville; running thence to Hyde's ferry, across Cumberland; thence to White's creek, and crossing that creek near Zion meeting house; thence with the present river road, by the most practicable route, to the terminus aforesaid.

Description of
road.

SEC. 14. *Be it enacted*, That said President and directors shall cause said road to be graded twenty-five feet wide, and covered with beaten stone or gravel sixteen feet wide, with ditches on each side, and culverts to drain off the water.

SEC. 15. *Be it enacted,* That said president and directors shall be, and are hereby made a body politic and corporate; may sue and be sued, plead and be impleaded, by the name and style of the Hyde's Ferry Turnpike Company, and shall have all the rights, privileges and immunities, given by law to the White's Creek Turnpike Company.

SEC. 16. *Be it enacted,* That said company may erect May erect gate a gate, charge and receive tolls upon said road, so soon as they shall have completed the distance of five miles thereof, (commencing either at the City of Nashville, or at Hyde's ferry,) and may continue to erect gates and receive tolls for any additional five miles, so fast as the same shall be completed; and shall they think proper, terminate said road at the end of any ten miles from the commencement.

SEC. 17. *Be it enacted,* That said company may demand and receive the same tolls that the White's Creek Turnpike Company are allowed by law to receive. Rate of toll

SEC. 18. *Be it enacted,* That Paulding Anderson, T. H. Gordon, Wm. W. Carter, Wm. B. Saunders, Joseph M. Anderson, Wm. L. Martin, B. T. Motley and A. Cox, be and they are hereby appointed commissioners, a majority of whom shall designate and mark out a turnpike road from Lebanon in Wilson county to Big Spring in the same county. Lebanon and Big Spring T. Company.

SEC. 19. *Be it enacted,* That said commissioners shall Capital Stock. open books at Lebanon, and such other places as they may deem advisable, to receive subscriptions for shares in said road stock, whenever they choose, the shares of which shall be twenty-five dollars, and the capital stock not exceeding thirty thousand dollars.

SEC. 20. *Be it enacted,* That as soon as five thousand Gates. dollars be subscribed, the stockholders may appoint a president and directors, and they are hereby constituted a body politic, with the right to sue and be sued, to plead and be impleaded, by the name and style of the Lebanon and Big Spring Turnpike Company, and said president and directors may commence said road when they are organized, as hereinafter provided, and said company may put up a toll gate as soon as five miles of said road, commencing at Lebanon, is completed, and also a toll gate for every additional five miles when said road is completed.

SEC. 21. *Be it enacted,* That said company shall make Description of said road on the same plan of the Nashville and Lebanon turnpike road, and be governed by the same rules, regulations, restrictions and liabilities, except gravel or

McAdamized stone, shall be laid fifteen feet wide on said road.

SEC. 22. *Be it enacted*, That said company may, if it choose, extend said road to Rome in Smith, or to any point between Rome and Big Spring.

SEC. 23. *Be it enacted*, That Samuel Leake, Asbury Crenshaw, Jos. S. Watkins, John Donelson, Samuel M. Allen, John Pope, Samuel Mosby, of Shelby county, E. P. McNeal, J. H. Bills, Pitsér Miller, Wm. Irons, A. C. P. Polk, Edwin Polk, Bartholomew Bowers and William H. Woods, of Hardeman county, M. W. Nelson, Joel L. Jones, Edwin Dickerson, Geo. W. Trother, John C. Cooper, L. S. Langly and John Blackwell, of the county of Fayette, be, and they are hereby appointed commissioners to open books for the purpose of receiving subscriptions to the amount of two hundred thousand dollars, to be applied to making a turnpike road from Memphis, in the county of Shelby, to Bolivar, in the county of Hardeman, passing through the town of Somerville, in Fayette county to Bolivar, in Hardeman county. Said sum of two hundred thousand dollars shall be divided into shares of twenty-five dollars each, and the subscription shall be in person or by attorney. So soon as ten thousand dollars shall be subscribed, a meeting of the subscribers shall be held at Somerville, of which meeting the managers of the subscription shall give thirty days notice in some newspaper, printed at Memphis and Somerville, and the said subscribers, from and after their first meeting shall be, and are hereby constituted a body politic and corporate by the name of the Memphis and Bolivar turnpike company, and shall so continue, and as such may sue and be sued, sell, purchase and have a common seal. The books for receiving said subscription, shall be opened at such times and places as said commissioners may direct, until the whole of said sum, or a sufficient portion thereof to complete said road, be subscribed. After the election of a President and Directors, the duties here imposed on said commissioners shall devolve upon and be executed by them, and the powers of said commissioners shall cease. The subscribers, or a majority of them, who shall be present at the first meeting, shall elect seven directors, being shareholders, who shall elect one of their body President of the board of directors, and the President and directors thus chosen, shall continue in office one year, and until another election shall take place.

SEC. 24. *Be it enacted*, That the president and directors thus chosen, shall have power to make contracts

for opening, clearing and making said road, along the route, which shall have been marked out by commissioners, hereinafter appointed, and for performing such other work thereon, as they may think necessary, to require from time to time, of the subscribers, such advances on their respective shares, as the wants of said company may require and demand, until the whole subscription shall be advanced; *Provided*, that no call shall be made for more than five dollars at one time on each share, of which thirty days notice shall be given in some newspaper printed in Memphis; said directors shall have power at any time, to call a general meeting of the subscribers, giving thirty days notice in a newspaper printed at Memphis and Somerville, to appoint such officers as they may deem necessary, to fix their compensation, to sign and settle all accounts and to transact all the business of said company, during intervals between the general meetings.

Powers of
board.

SEC. 25. *Be it enacted*, That if any subscriber shall fail to pay the amount of the call upon each share, within thirty days after the same shall have been advertised, as required, in the preceding section, it shall be lawful for the president and directors to sell at auction, and convey to the purchaser, the share or shares of such subscriber, so failing to pay, and after retaining the sum due, with the cost of such sale, to pay over the surplus, if any, to the former owner of such share or shares; and if the sale shall not produce the sum to be advanced, with interest and incidental charges, it shall be lawful for the company to recover the balance of the original proprietor by warrant, before any justice of the peace of the county where the said delinquent resides, and upon the judgment rendered, there shall be no appeal or stay of execution allowed. All persons purchasing under the sale of the President and directors, shall be subject to the same rules, regulations, restrictions and penalties as the original proprietors.

Penalty for not
paying stock.

SEC. 26. *Be it enacted*, That the president and directors, or any five of them, shall be sufficient to transact ordinary business; and all vacancies, which shall happen in the office of President or directors, before a regular meeting of the share holders, shall be supplied by the remaining directors, two-thirds of the whole number being present. The clerk shall keep a regular journal of all the proceedings. It shall be the duty of the President and directors to furnish printed certificates, stating the number of shares held by each subscriber, which certificate shall be assignable, and upon such assignment being entered in a book, kept for the purpose by the

Quorum and
vacancies.

company, the assignee shall become a member of said company.

Commissioners SEC. 27. *Be it enacted*, That John Ralston, John Wherry and Thomas Anderson of the county of Shelby; Morgan Cartwright, Samuel Warren, E. Whittaker and Wm. H. Armour of the county of Fayette, be and they are hereby appointed commissioners, who, or any three of whom, shall be, and they are hereby authorized and required to proceed forthwith, after the organization of said company, to mark out the most direct and fit route for the said road, so as to pass through the town of Raleigh, in the county of Shelby, and Sommerville in the county of Fayette; and each of said commissioners shall be allowed the sum of two dollars for each day that he shall be necessarily engaged in performing the duty hereby prescribed, to be paid by the President and Directors out of the funds of the company.

Damages—how assessed, and recovered. SEC. 28. *Be it enacted*, That it shall be lawful for any person or persons, in the event said company and the person or persons over whose land said road shall run, cannot agree and settle between themselves the damages sustained, if any, at any time, within one year after said road shall have been opened, to apply to the Circuit Court of the county in which the land lies, for a writ of *ad quod damnum*, to ascertain the damages, which he, she, or they may have sustained from said road, which said writ shall be directed to the sheriff of said county, commanding him to summon and impanel a jury of twelve disinterested freeholders, to meet upon the premises, who, being sworn, for that purpose, shall view the land over which the said road runs, and assess said damages, which inquest, so made and signed by the jurors, shall be by the sheriff returned to the next Circuit Court, to be held in said county; which court shall upon the return, enter up judgment against the said company for the damages so assessed, unless sufficient cause to the contrary be shown; *Provided*, Ten days notice shall be given to the President of said company, of the intended proceeding. After satisfaction of said judgment, by the company, the owner of the land, over which said road passes, shall execute to said company, a deed of conveyance, for so much of said land as may be occupied by said road.

May purchase land. SEC. 29. *Be it enacted*, That it shall be lawful for the President and directors to purchase, for the use of the company, any quantity of land, not exceeding five acres, adjacent to each toll gate, that shall be established upon said road, and take conveyance thereof; and for the purpose of making said road and keeping it in repair,

the president and directors, and their agents, may cut, dig, quarry and take from any land adjoining to or in the vicinity of said road, such and so much timber, gravel, stone or earth, as may be necessary; and if any person, from whose land said materials shall have been taken, desire compensation therefor, and the same cannot be amicably settled with said company, such person may apply to any justice of the peace, of the county where said materials were taken, five days notice of such application having been previously given to said President, to appoint three disinterested freeholders, to ascertain the value of such materials, who, after being duly sworn, shall ascertain such value, and give a certificate thereof to either party, if required, which certificate shall be evidence of the indebtedness of said company, in any suit to recover the same.

Sec. 30. *Be it enacted*, That an annual meeting of the shareholders shall be held, at such place, in the counties of Shelby, Fayette, or Hardeman, on the first Monday of April, in each and every year, as a majority of the subscribers, assembled as aforesaid, shall direct; to constitute which meeting, the presence of proprietors, holding at least three hundred shares, shall be necessary; and if a sufficient number do not attend, on that day, such proprietors as do attend, may adjourn from day to day, until a meeting may be had. In counting votes, each member shall be allowed one vote, as far as ten shares, and one vote for every five shares above ten, held by him at the time, in the company. The directors shall render fair and distinct accounts of their proceedings, and of all disbursements of money, to each annual meeting of the subscribers, previously to the election of directors for the ensuing year. The said road shall be opened at least thirty feet wide, with sufficient ditches, on each side, at all times to carry off the water, and to drain the same: shall gradually descend from the middle to the side ditches: shall be substantially covered with stone, gravel, sand, wood or charcoal: shall have substantial and sufficient bridges where necessary, and in all respects shall be completed in a faithful and substantial turnpike road like manner. When the road shall be thus finished and completed for the distance between Memphis and Raleigh, and for each and every additional five miles, the President and directors may apply to the County Court of Shelby, or Hardeman or Fayette county as the case may be, to appoint three competent persons, not being stockholders, to view and examine said road, and on the report of said viewers, or any two of them, that the road has been finished and com-

Meeting—
where held.

Ratio of votes.

Description of
road.

T. Trezvant and G. Bunty, be, and they are hereby appointed commissioners to open books for the purpose of receiving subscriptions to the amount of seventy-five thousand dollars, to be applied to making a turnpike road from Memphis, passing through Germantown to Collierville near the eastern boundary of the county of Shelby, which shall be divided into shares of twenty-five dollars each, and the subscription shall be in person, or by attorney. So soon as five thousand dollars shall be subscribed, a meeting of the subscribers shall be held in the city of Memphis, of which meeting the managers of the subscription shall give thirty days notice in some newspaper published in said city, and the said subscribers, from and after their first meeting, shall be and are hereby constituted a body politic and corporate, by the name and style of the "Memphis and Germantown turnpike company," and shall so continue, and as such, may sue and be sued, plead and be impleaded, sell, purchase, and have a common seal. The books for receiving said subscription, shall be opened at such time and places as said commissioners may direct, until the whole of said sum, or a sufficiency thereof to complete the said road, be subscribed. After the election of president and directors, the duties herein imposed on the commissioners shall devolve upon and be executed by them, and the powers of said commissioners shall cease.

Incorporation.

Election of officers.

The subscribers, or a majority of them, who shall be present at the first meeting, shall elect seven directors, being shareholders, who shall elect one of their body president of the board of directors, and the president and directors thus chosen, shall continue in office one year, and until another election shall take place.

Powers.

SEC. 35. *Be it enacted*, That all the powers, privileges, immunities, rights, liabilities, obligations and restrictions, are hereby granted to, and imposed on, said Memphis and Germantown turnpike company that are granted to, and imposed by this act on the Memphis and Bolivar turnpike company; and said Memphis and Germantown turnpike company is hereby incorporated in the same manner in all things as the said Memphis and Bolivar turnpike company; and that the commissioners named in the 34th section of this act be authorized to employ suitable persons to mark out the route for said turnpike road.

Memphis and
Hernando
Company.

SEC. 36. *Be it enacted*, That James S. Lemaster, John Hamlin, Sam'l D. Key, Solomon Rozelle, Jas. H. Epps, C. Bias, J. N. Moore and George Rayland, of the county of Shelby, be, and they are hereby appointed commissioners to open books for the purpose of receiving sub-

scriptions to the amount of fifty thousand dollars, to be applied to making a turnpike road from Memphis to the State line between Tennessee and Mississippi, and intersecting the same at or near where the Hernando road crosses said line. Said sum of fifty thousand dollars shall be divided into shares of twenty-five dollars each, and the subscription shall be by person or by attorney. So soon as five thousand dollars shall be subscribed, a meeting of the subscribers shall be held at Memphis, of which meeting the managers of the subscription shall give thirty days notice in some newspaper printed at Memphis; and the said subscribers from and after their first meeting, shall be and are hereby constituted a body politic and corporate by the name and style of the "Memphis and Hernando turnpike company," and shall Incorporation. so continue, and as such, may sue and be sued, plead and be impleaded, sell, purchase, and have a common seal, with all the privileges, powers, immunities, rights, liabilities, obligations and restrictions granted to and imposed on the Memphis and Bolivar turnpike company; and the said Memphis and Hernando turnpike company is hereby incorporated in the same manner in all things as the said Memphis and Bolivar turnpike company, and that the commissioners named in the 36th section of this act, be authorized to employ suitable persons, to mark out the route for said road.

SEC. 37. *Be it further enacted*, That the persons and companies who may become subscribers for stock, as Shelbyville,
Farmington &
Lewi-burg T.
Company. hereinafter prescribed, shall be incorporated into a company to be called "the Shelbyville, Farmington and Lewisburg Turnpike Company," who shall have succession for fifty years, and have power to build a McAdamized turnpike road from Shelbyville by Farmington to Lewisburg, with a capital of fifty thousand dollars, in shares of fifty dollars each, should said sum of fifty thousand dollars be necessary to build said road.

SEC. 38. *Be it further enacted*, That books for subscription for stock in said company, shall be opened at Commissioners
to open books. Shelbyville on the first Monday in April next, by John T. Neil, William Galbrath, Newcum Thompson, sen., Robert Matthews and Thomas M. Caldwell; at Farmington by Ephraim Hunter, John Ramsey, Robert M. Dryden, Isaac W. Walker and Chapman Davis; at Lewisburg by John R. Hill, Gideon B. Black, James A. Gowell, Wilson P. Davis and Robert K. Kercheval; at Robert Williams store, by Robert Williams, Lorenzo D. Stockdon, Francis B. Woods and Alexander D. Adams, and said books shall be kept open until the first day of May, thereafter, unless the amount of stock shall be

sooner subscribed, and one or more of said commissioners may act at the respective places of subscribing for stock.

Elections.

SEC. 39. *Be it further enacted*, That whenever ten thousand dollars shall be subscribed, the stockholders shall elect twelve persons, who shall be stockholders or directors in said company, six of whom shall reside in Bedford, and six in Marshall county. Said board of directors shall elect one of their body president of said company.

May re-open books.

SEC. 40. *Be it further enacted*, That if the amount of ten thousand dollars shall not be subscribed within the time limited above, the commissioners above named or any one or more of them, or any agent they or any of them may appoint, may open books at such times and places as they may designate, for the subscription of stock, and after the election of directors, as herein provided, said company may open books at such times and places as they may designate for the subscription of stock.

Work to commence at Shelbyville.

SEC. 41. *Be it further enacted*, That said company may, if they see proper, commence work at any time after ten thousand dollars may be subscribed; said work to be commenced at Shelbyville, if the company commence before the full amount of stock shall be subscribed.

Calls of stock—how made.

SEC. 42. *Be it further enacted*, That the stock shall be paid by instalments of five dollars a share, whenever called for by the president and directors of the company; *Provided*, said calls are not made oftener than once in fifty days, upon notice of twenty days, given in the newspapers of Shelbyville and Lewisburg, if so ordered by the president and directors, or in such way as they may direct.

When stock forfeited.

SEC. 43. *Be it further enacted*, That said company may sue for any calls that may be made, or declare the stock of the delinquent stockholder forfeited, at the election of the president and directors of said company.

SEC. 44. *Be it further enacted*, That the stock subscribed by any person, corporation or company, shall be a lien on the property of the subscribers for said stock, to be enforced according to the rules of law governing such cases.

How road to be built.

SEC. 45. *Be it further enacted*, That said road shall be constructed and built in all things as the Nashville, Murfreesboro' and Shelbyville turnpike road was required to be built, and was constructed.

Toll gates.

SEC. 46. *Be it further enacted*, That said company may erect toll gates on said road for every five miles of

said road which may be completed. *Provided*, That they shall not erect any gate within less than one mile of any incorporated town.

SEC. 47. *Be it further enacted*, That the rates of toll Rates of toll. to be charged on said road, shall be the same as those charged by the Nashville, Murfreesboro' and Shelbyville Turnpike Road Company, or which may hereafter be charged by said road.

SEC. 48. *Be it further enacted*, That the election for Election of directors. directors shall be held at Shelbyville, by three justices of the peace or judges, and such number of clerks as are usual in elections; and the twelve persons having the highest number of votes, shall be the directors; who shall continue in office for twelve months, and until their successors are elected and qualified. All subsequent elections for directors shall be at such place as the directors may designate.

SEC. 49. *Be it further enacted*, That the elections for directors, shall, after the first one, be annually on the first Saturday in July, in each and every year. *Provided*, That notice of the time of the first election shall be given for ten days, in some newspaper published in the town of Shelbyville.

SEC. 50. *Be it further enacted*, That each stockholder Scale of voting. shall be entitled to one vote for each share of stock he may own in said company, in all elections to be made by said company.

SEC. 51. *Be it further enacted*, That whenever the directors shall be elected and organized, as herein provided, they may call for so much, upon each share of stock, as will enable them to have the route surveyed, and an estimate made of the cost of the same, whether they determine to commence the construction of said road or not, before the full amount of stock shall be subscribed. Calls

SEC. 52. *Be it further enacted*, That if the President and directors of the company, do not commence the work until the full amount of stock shall have been subscribed, said company shall pay a semi-annual dividend to the stockholders, at the rate of six per cent. per annum, on the amount of stock paid in, until the road shall be completed; and after the road shall have been completed, semi-annual dividends on the stock of said road, of its profits, after paying its current expenses, including necessary repairs. Dividends upon stock.

SEC. 53. *Be it further enacted*, That said company Time to commence & complete. may have two years from the passage of this act to commence constructing said road, and five years from the passage of this act to complete said work.

SEC. 54. *Be it further enacted*, That the president and

Pres. & Directors shall take oath. directors of said company shall take an oath, before some justice of the peace, to honestly and faithfully perform the duties required of them by this act.

Sec. 55. *Be it further enacted,* That said president and directors shall have power to elect a secretary, who shall also be treasurer of said company, or they may elect a secretary, and also a treasurer, and require such security of them, [as they may deem proper], for the faithful performance of their duties.

Sec. & Treas. to take oath.

Sec. 56. *Be it further enacted,* That said secretary and treasurer shall take an oath before entering on the duties of their office, before some justice of the peace, to honestly and faithfully perform the duties of their office.

Stock may be paid in work.

Sec. 57. *Be it further enacted,* That the president and directors of said company may receive subscriptions for stock in said company to be paid in work, or receive any subscription that may be made for stock to the commissioners before the organization of the company in work, both, on such terms as the said president and directors may agree upon: *Provided,* that five shall constitute a quorum to do business, except to elect the officers of said company and the location of said road, which shall require a majority of the board.

Stock may be transferred.

Sec. 58. *Be it further enacted,* That the stock of said company may be transferred or sold from one stockholder to another, in such manner as the president and directors may prescribe.

Remedies.

Sec. 59. *Be it further enacted,* That the Shelbyville, Farmington and Lewisburg turnpike company shall have the same remedies against persons refusing to pay toll or for avoiding the gates, as are given to the Nashville, Murfreesborough and Shelbyville turnpike company for like injuries.

Gate in Fentress county.

Sec. 60. *Be it further enacted,* That William Travis, E. D. Frogg and Berry Gatewood, of Fentress county, be, and they are hereby appointed receiving commissioners, whose duty it shall be when notified by said proprietors to examine said road, and if they find it in the order required by this charter they shall issue to said proprietors a license to put a gate on said road in Fentress county, as provided for in this act.

F. BUCHANAN,

Speaker of the House of Representatives.

J. M. ANDERSON,

Speaker of the Senate.

Passed, January 25, 1848.

CHAPTER CCXX.

An Act to incorporate the town of Richmond, in Bedford county; to fix the time of holding the Chancery Court at Rutledge, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the inhabitants of the town of Richmond, in the county of Bedford, be, and they are hereby incorporated and made a body politic and corporate by the name and style of the Mayor and Aldermen of the town of Richmond; and the Mayor and Aldermen of said corporation shall be elected in the same manner, and possess the same qualifications, and by the same description of voters, and shall have the same powers, privileges and immunities, and be subject to the same liabilities, obligations and restrictions as are authorized, required and imposed by the act of 1819, ch. 16, entitled "an act to incorporate the inhabitants of the town of Shelbyville, in the county of Bedford," so far as the same are applicable and not herein altered. Incorporation

SEC. 2. *Be it further enacted*, That the Constable for the 19th civil district in Bedford county, on the second Monday in March in every year, shall open and hold an election in said town of Richmond for twelve Aldermen for said town, and who shall give to each Alderman elected, a certificate thereof, who shall meet on the next Saturday thereafter, and organize according to the provisions of the above recited act, by electing a Mayor and the other officers therein required and authorized to be elected by said Aldermen; said Mayor and Aldermen and the officers by them elected, shall continue in office for twelve months, and until their successors are elected and qualified. Election of officers.

SEC. 3. *Be it further enacted*, That the corporate limits of said town shall begin so as to include James H. Curtes' Spring, thence west so as to include the school house, thence north so as to include Dr. Isaac S. Davidson's residence, thence east to the creek, thence up said creek including P. J. Thompson's residence to the beginning. Corporate limits.

SEC. 4. *Be it further enacted*, That said Mayor and Aldermen may hold their meetings at such times and places within said limits as they may agree upon.

SEC. 5. *Be it further enacted*, That if the constable aforesaid shall fail to hold an election at the times prescribed by this act, he may hold it at any subsequent time, first giving in that event, ten days notice of the time and place of holding said election, and the Aldermen thus elected shall go out of office at the time they Time of holding Election.

would have done if elected on the first Monday in March.

SEC. 6. *Be it further enacted*, That if said constable shall wilfully refuse to hold said election as required by this act, he shall be guilty of a misdemeanor, and shall be punished as in other cases of misdemeanor.

Additional Justice of Peace. SEC. 7. *Be it further enacted*, That the 19th civil district being the same in which said town of Richmond is situated, shall hereafter be entitled to an additional Justice of the Peace.

Law incorporating Fayetteville revived. SEC. 8. *Be it enacted*, That the 3d section of an act, passed 23d October, 1819, of that session, chap: 110, entitled, an act to incorporate the inhabitants of the town of Washington, in the county of Rhea, and for other purposes, together with the laws in the same section referred to, and all statutes extending the corporate limits of the town of Fayetteville, in the county of Lincoln, are hereby declared to be in full force.

Extension of corporate limits. SEC. 9. *Be it further enacted*, That an act entitled, an act to extend the corporate limits of the town of Fayetteville, in Lincoln county, passed November 11th, 1839, be so amended as to include in the corporate limits of said town, the roads or streets adjoining the east and west sides of lots No. 129, 130, 131 and 132.

Powers of Board. SEC. 10. *Be it enacted*, That the Mayor and Aldermen of the town of Fayetteville, aforesaid, shall have power to cause foot pavements and side walks, to be constructed and repaired in the streets of said town, and on the public square by the owner or owners of the lots adjoining the same, and if the owner or owners of any lot shall fail to comply with the provisions of such by-laws or ordinances, within such time as may be prescribed thereby, the Mayor and Aldermen may contract for the construction or repair of the same, and pay therefor; and the amount paid by said corporation shall constitute a charge against the owner or owners of the lot or lots, to be recovered by suit in the name, and for the use of the corporation, before a Justice of the Peace, where the amount is within his jurisdiction, or before the Circuit Court, and the amount paid by the corporation shall be a lien on said lot.

Further powers. SEC. 11. *Be it further enacted*, That if the Mayor and Aldermen aforesaid, shall have authority to make by-laws or ordinances providing for the laying and collecting of taxes on property, within the limits of the corporation, for corporation purposes, *Provided*, that all property upon which they may impose tax, shall be taxed according to its value upon the principles established by law, and by the constitution of this State; they shall also have authority to tax slaves between the age of twelve

and fifty years, merchants, pedlars, privileges, white polls, and houses of public entertainment, within their limits. The collector of taxes appointed by the Mayor and Aldermen, shall have the same authority to collect the said taxes, and the same remedies as the collector of the taxes for the State and county shall have for the collection of the State and county taxes, and the said Mayor and Aldermen shall have further power and authority to make ordinances and by-laws for preventing accidents by fire, and preventing the erection of houses or buildings, that may endanger the property adjoining, and to cause any such building now within the corporation to be removed, upon making compensation therefor, and to prevent the use or occupation of any building in such manner as to endanger the property adjoining.

SEC. 12. *Be it enacted*, That elections for Mayor and Aldermen for the town aforesaid, shall be holden on the Saturday before the first Monday in January; in each year, and all persons residing within said town who would be qualified to vote for members of the General Assembly, shall be qualified to vote at said election, but no person shall be entitled to vote in said election who is not an inhabitant of said town; and the Aldermen so elected, before entering upon the duties of their appointment, shall take an oath before the County Court of Lincoln county, at the January term thereof, to faithfully, uprightly and honestly demean themselves as Mayor and Aldermen of said corporation during their continuance in office, and if from any cause said election should not be holden on the day above named, the sheriff by giving fifteen days previous notice, may hold the same on any other day, and if the aldermen elected shall not be sworn before the County Court at the January term, as above provided, they may qualify at any other term of said court, or before any Justice of the Peace; said Aldermen may meet and organize on the first Monday in January, in each year, or at any time after they are elected, and qualify as before directed, any law heretofore passed to the contrary notwithstanding.

Election of
officers.

SEC. 13. *Be it enacted*, That said corporation shall have full power and authority to pass all by-laws and ordinances necessary for the restraint and government of slaves, and to prevent them from hiring their own time; and for the breach of any such by-laws, said slave may be arrested by any night watch, or patrol, or town constable of said corporation, in such manner as may be prescribed by the by-laws, not inconsistent with the constitution and laws of the State, and upon conviction,

By-laws.

may be punished in such manner as may be prescribed by the by-laws, not inconsistent with the constitution and laws of the State.

Free persons of color. SEC. 14. *Be it enacted*, That said corporation shall have full power and authority to regulate and restrain the free colored persons within its limits, by imposing upon them any restriction or duty that may not be inconsistent with the constitution and laws of the State.

Mulberry incorporated. SEC. 15. *Be it enacted*, That the town of Mulberry, in Lincoln county, and the inhabitants thereof, be, and they are hereby incorporated within the following described limits: Beginning at the south-west corner of Charles Mitchell's lot, running east with his line, W. A. Alexander's and A. Philip's line, and on directly east until it intersects a line running due south with the eastern boundary of the Female Academy lot; thence north to the said Academy lot, and with said lot, and R. N. Whitaker's lot of land, three hundred and fifty yards; thence west to Mulberry creek, thence down the creek to the beginning, under all the regulations and privileges of the foregoing sections of this act, incorporating the town of Richmond.

Chancery court at Rutledge. SEC. 16. *Be it enacted*, That so much of an act, passed 28th January, 1848, entitled "an act to establish a Chancery Court at Rutledge, in the county of Granger," as requires the Chancellor of the Eastern Division, to hold a Chancery Court at Rutledge, on the first Mondays of May and November, be repealed, and said Chancellor shall hold said court on the third Mondays of June and December.

Yorkville incorporated. SEC. 17. *Be it enacted*, That the town of Yorkville, in the county of Gibson, and the inhabitants thereof, be, and they are hereby incorporated, by the name and style of the Mayor and Aldermen of the town of Yorkville, under the same rules, regulations and restrictions, with the same powers, privileges and immunities conferred upon the Mayor and Aldermen of the town of Trenton, in the county of Gibson, by an act, passed January 2d, 1846, entitled "an act to incorporate the inhabitants of the town of Trenton, in the county of Gibson."

Election of officers. SEC. 18. *Be it enacted*, That the sheriff of Gibson county, shall, by himself or deputy, hold an election in said town of Yorkville, on the first Monday of March next, and ever thereafter on the first Monday of January, in every year, for the purpose of electing five persons to serve as Aldermen of said town, who shall hold their offices until their successors are elected and qualified into office.

SEC. 19. *Be it enacted*, That Benjamin C. Holmes,

William H. Miller, and William McDaniel, are appointed Commissioners to lay off and designate the bounds of said town of Yorkville; and this act shall take effect from the date of its passage.

SEC. 20. *Be it further enacted*, That the Intendent and Corporation of Council of the corporation of Winchester, and the Mayor and Aldermen of the town of Lawrenceburg, shall have the same power, privileges and immunities, and be subject to the same rules, restrictions and obligations as are imposed upon, and given to the Mayor and Aldermen of the corporation of Fayetteville, by the 10th, 11th, 12th, 13th, and 14th sections of this act.

F. BUCHANAN,

Speaker of the House of Representatives.

J. M. ANDERSON,

Speaker of the Senate.

Passed, February 5, 1848

CHAPTER CCXXI.

An Act to defray the expenses of the General Assembly, with the Report of the Committee on Finance annexed.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Comptroller of the Treasury issue to each member of the Senate and House of Representatives, a warrant for the sum stated to be due to each in the annexed Report of the Committee on Finance. Pay of members.

SEC. 2. *Be it enacted*, That the Comptroller issue to the officers of the Senate and House of Representatives, warrants for the following sums due them for services rendered. Pay of officers.

To John Cocke, Jr., seven hundred and sixty-two dollars, for one hundred and twenty-seven days service as principal clerk of the Senate.

To J. E. P. Harris, seven hundred and sixty-two dollars, for one hundred and twenty-seven days service as assistant clerk of the Senate.

To Leeland Davis, five hundred and eight dollars, for one hundred and twenty-seven days service as door-keeper to the Senate, and five dollars and ten cents paid by said Davis to B. McNairy's boy for hauling water for the use of the General Assembly.

To Martin V. Hale, one hundred and sixty-three dol-

lars, for one hundred and twenty-seven days service as messenger to the Senate.

To George W. Rice, six dollars, for one day's service as clerk, while the Senate was being organized.

To S. D. Mitchell, seven hundred and sixty-two dollars, for one hundred and twenty-seven days service as principal clerk of the House of Representatives.

To John B. Hogg, four hundred and seventy-four dollars, for seventy-nine days service as first assistant clerk of the House of Representatives.

To Jacob A. Lane, two hundred and eighty-eight dollars, for forty-eight days service as first assistant clerk of the House of Representatives, elected on the 22d December, 1847, to fill the vacancy occasioned by the resignation of J. B. Hogg.

To F. B. Saunders, seven hundred and sixty-two dollars, for one hundred and twenty-seven days service as second assistant clerk of the House of Representatives.

To Thomas C. Ramsey, five hundred and eight dollars, for one hundred and twenty-seven days service as principal door-keeper to the House of Representatives; and five dollars and twenty cents, paid by said Ramsey to B. McNairy's boy for hauling water for the use of the General Assembly.

To Robert Fleming, five hundred and eight dollars, for one hundred and twenty-seven days service as assistant door-keeper to the House of Representatives.

SEC. 3. *Be it enacted*, That the Comptroller issue to James A. Whiteside, his warrant for thirty-eight dollars and fifteen cents, for his expenses to and from Mill-edgeville, under joint resolution of the General Assembly; and to James M. Williamson, Isham G. Harris, B. Williams, H. P. Shannon, and John M. Bright, his warrant for thirty dollars each, for expenses incurred on their trip to and from Memphis, and while engaged at Memphis in investigating the Farmers' and Merchants' Bank, under joint resolution of the General Assembly.

SEC. 4. *Be it enacted*, That the Comptroller issue to W. H. Horn, his warrant for two hundred and five dollars and fifteen cents, the amount of his own, and the account of Hume & Jones, for articles furnished, and repairs done to the Hall of Representatives and Senate Chamber, and the furniture thereof.

To B. McNairy, his warrant for eight dollars and twenty cents, balance due for hauling water, after deducting ten dollars and thirty cents, paid by Leeland Davis and Thomas C. Ramsey.

To R. C. McNairy & Lavander, his warrant for fif-

teen dollars and seventy cents, for cloth and ferretting for table covers; and to Thomas Chadwell, his warrant for two dollars and twenty-five cents, for six yards of carpeting.

SEC. 5. *Be it enacted*, That the Comptroller issue to C. M. Cowardin, his warrant for fifteen dollars, for erecting platform in the church for the inauguration of the Governor.

SEC. 6. *Be it enacted*, That the Comptroller issue to B. F. Brown, his warrant for twelve dollars, for one dozen split-bottomed chairs for the Hall of Representatives.

To V. K. Stevenson, his warrant for thirty dollars, for eight days service of boy, Ned, in preparing the Hall and Senate Chamber for the reception of the Legislature, washing and keeping in order towels for the use of the Senate, making fires, and sweeping the Senate Chamber the first thirty days of the session.

SEC. 7. *Be it enacted*, That the Comptroller issue to Jas. M. Anderson, Speaker of the Senate, his warrant for sixty-three dollars and seventy-five cents, for eighty-five days service of Thompson, a free boy, in sweeping and keeping the Senate chamber in order.

SEC. 8. *Be it enacted*, That the Comptroller issue to McCombs & Carson his warrant for fifteen dollars and seventy-five cents, for covering table and other work done for the clerk of the House of Representatives; and to S. D. Mitchell twelve dollars for a box of glass for the Representative Hall.

SEC. 9. *Be it enacted*, That the Comptroller audit the account of J. Greer, for wood furnished to the General Assembly, and pay him at the rate of three dollars per cord for unsawed wood, and three dollars and fifty cents for wood sawed to fit the fire places, as per contract with the Secretary of State.

SEC. 10. *Be it enacted*, That the Comptroller of the Treasury examine the accounts of J. G. Shepard, W. F. Bang & Co., and B. R. McKennie, for job printing executed for the General Assembly, and pay the same according to the rates specified by law, out of any money in the Treasury not otherwise appropriated.

SEC. 11. *Be it enacted*, That the Comptroller issue to Francis B. Fogg his warrant for his fee and compensation, in the case of the State against the Merchants Insurance and Trust Company, in the Chancery and Supreme Court, the amount to be fixed by the Supreme Court.

SEC. 12. *Be it enacted*, That the sum of three hundred dollars be refunded to F. K. Zelicoffer, out of any money

which may hereafter be collected out of the suspended debts of the old Bank of the State of Tennessee, the said sum having been paid by him within the last two years for clerks hire in the Comptroller's office.

SEC. 13. *Be it enacted*, That the Comptroller issue to Eichbaum & Smith, his warrant for five hundred and four dollars and eighty-six cents, for stationery and candles furnished for the use of the Senate.

SEC. 14. *Be it enacted*, That the clerks of the Senate and House of Representatives, shall remain a sufficient time after the adjournment, to file the papers of the two Houses properly in the office of the Secretary of State, and to close their business before they shall be allowed to draw their compensation.

SEC. 15. *Be it enacted*, That the Secretary of State, cause the Acts and Journals of the present General Assembly to be distributed; and that in doing so, he make the best contract practicable, for the interest of the State; and that the Comptroller issue his warrant upon the certificate of the Secretary of State, for the sum or sums required for said services.

SEC. 16. *Be it enacted*, That the Secretary of State have one copy of the Acts and Journals of each House bound, for each member of the Senate and House of Representatives, and also one hundred copies for the office of the Secretary of State, and that the Comptroller issue his warrant for the cost of binding the same.

SEC. 17. *Be it enacted*, That the principal Clerks of the Senate and House of Representatives be allowed six dollars per day, for the time it may be necessary, after the close of the session, to finish copying the Journals of the Senate and House of Representatives, and that the Comptroller issue his warrant, on the certificate of the Secretary of State for the same.

SEC. 18. *Be it enacted*, That the Comptroller issue his warrant to James G. Shepard, proprietor of Nicholson's Supplement, ordered by resolution, No. 69, of the present session of the General Assembly, for the amount thereof upon the certificate of the Secretary of State, that the books have been distributed according to contract.

SEC. 19. *Be it enacted*, That the Comptroller of the Treasury issue to Jos. M. Anderson, Speaker of the Senate, his warrant for eight dollars and fifty cents, for postage paid by him on public documents.

SEC. 20. *Be it enacted*, That the Comptroller issue to William Faulkner, a free man of color, his warrant for one hundred and twenty-seven dollars, for one hundred and twenty-seven days service in attending on the House

of Representatives; also for two dollars and twenty-five cents for washing towels for the use of the House of Representatives; and for two dollars and twenty-five cents, for three days service in preparing the Hall for the reception of the Legislature.

SEC. 21. *Be it enacted*, That the Comptroller issue to John S. Young, late Secretary of State, his warrant for fifty dollars, for fitting up the Halls of the Senate and House of Representatives, and other duties performed in pursuance of the act of 1842, chapter 132.

SEC. 22. *Be it enacted*, That the Comptroller issue his warrant and pay to the several publishers of the city newspapers, for papers furnished for the use of the General Assembly, and laid upon the table of each member every morning of this session, at the current subscription price of the same.

SEC. 23. *Be it enacted*, That the Comptroller issue his warrant to T. Fagundus for thirty dollars for services rendered in enrolling and engrossing bills for the House.

SEC. 24. *Be it enacted*, That the Comptroller issue his warrant to D. W. Ballew, for twelve dollars, for the use of James Hickey for services for three days as door-keeper *pro tem.* at the present session of the Legislature.

SEC. 25. *Be it enacted*, That the Comptroller issue his warrant for twelve hundred and thirty-eight dollars and eleven cents to William T. Berry for stationery and candles furnished the House of Representatives.

SEC. 26. *Be it enacted*, That the Comptroller issue his warrant to P. M. Hornbeak for twenty dollars for five days service as doorkeeper to the House of Representatives at the commencement of the present session of the General Assembly.

SEC. 27. *Be it enacted*, That the trustees of the Lunatic Asylum be, and they are hereby authorized to have built for the use of the Asylum a suitable smoke house.

SEC. 28. *Be it enacted*, That they also be authorized to have built two privies for the use of said Asylum, and that the Comptroller issue his warrant for the cost of the construction of said three buildings, upon the Treasurer to pay the same.

SEC. 29. *Be it further enacted*, That said trustees be authorized to have constructed two cisterns, for the use of said Institution; and also that they be authorized to have such repairs made to said building as are necessary for the preservation of the same.

SEC. 30. *Be it enacted*, That the Secretary of State be authorized to have shelves, and such other im-

provements made in the Secretary's office necessary for the safe keeping and preservation of the books and papers belonging to the State; and that the Treasurer is hereby authorized to pay, on the warrant of the Comptroller, for the same, out of any money in the treasury not otherwise appropriated.

Sec. 31. *Be it enacted*, That the sum of one hundred and fifty dollars be appropriated out of the Treasury for each lunatic received by the Superintendent of the Lunatic Asylum, under the provisions of the act, passed at the present session of the General Assembly, entitled "an act for the benefit of the wives and widows of the soldiers of the Mexican war."

Sec. 32. *Be it enacted*, That the Comptroller issue his warrant, to the Clerk of the Senate, for fifty dollars, for preparing an index to the Journal of the Senate of the present session of the Legislature.

Sec. 33. *Be it further enacted*, That the Comptroller issue his warrant to Jacob A. Lane, for one hundred dollars, for services rendered by him before his election as first assistant clerk of the House of Representatives.

F. BUCHANAN,

Speaker of the House of Representatives.

J. M. ANDERSON,

Speaker of the Senate.

Passed, February 5, 1848.

REPORT

Of the Committee on Finance, showing the mileage and per diem allowance of the Members of the Senate and House of Representatives, at the regular session of the Twenty-Seventh General Assembly, and the aggregate amount of each.

SENATORS.

Senator's Names.	No. of Days	Per diem allowance.	Miles traveled.	Amount of Mileage.	Total Amount.
H. Bradberry	127	\$4	250	\$40 00	548 00
F. H. Bratcher	"	"	400	64 00	572 00
James Britton	"	"	550	88 00	596 00
Wm. H. Cooke	"	"	344	55 04	563 04
Thomas Dean	"	"	120	19 20	527 20
Isam G. Harris	"	"	220	35 20	543 20
Landon C. Haynes	"	"	616	98 56	606 56
F. S. Heiskell	"	"	380	60 80	568 80
John F. Henry	"	"	386	61 76	569 76
Thomas M. Jones	"	"	144	23 04	531 04
Gayle H. Kyle	"	"	300	48 00	556 00
James McGuire	"	"	132	21 12	529 12
James L. McKoin	"	"	52	8 32	516 32
John Muirhead	"	"	60	9 60	517 60
John A. Minnis	"	"	172	27 52	535 52
Return J. Meigs	"	"			508 00
John W. Richardson	"	"	46	7 36	515 36
Isaac J. Roach	"	"	240	38 40	546 40
Wm. P. Rowles	"	"	150	24 00	532 00
Thomas Shaw	"	"	190	30 40	538 40
M. Thornburg	"	"	448	71 68	579 68
John D. Tyler	"	"	82	13 12	521 12
Wm. E. Venable	"	"	170	27 20	535 20
James M. Williamson	"	"	362	57 92	565 92
J. M. Anderson, <i>Speaker</i>	6		220	35 20	797 20

REPRESENTATIVES.

Representative's Names.	No. of Days	Amount.	Miles travelled.	Amount of Mileage.	Total Amount.
Jacob Adcock.....	127	\$508	110	\$18 60	526 60
B. S. Allen.....	"	508	212	83 92	541 92
C. D. Anderson.....	"	508	400	64 00	572 00
D. W. Ballew.....	"	508	320	51 20	559 20
James Barrett.....	"	508	98	15 68	523 68
Humphrey H. Bate.....	"	508	394	63 04	571 04
John Bell.....	55	220			220 00
William Benham.....	127	508	194	31 04	539 04
W. M. Blackmore.....	"	508	52	8 32	516 32
Willis Blanton.....	"	508	120	19 20	527 20
Samuel Bond.....	"	508	460	73 60	581 60
Thomas M. Brashear.....	"	508	180	28 80	536 80
John M. Bright.....	"	508	150	24 00	532 00
W. C. J. Burrus.....	"	508	54	8 64	516 64
Robert P. Caldwell.....	"	508	320	51 20	559 20
William Cross.....	"	508	350	56 00	564 00
Jesse Cross.....	"	508	640	102 40	610 40
S. W. Davis.....	"	508	50	8 00	516 00
William Donaldson.....	"	508	200	32 00	540 00
Wilson Duggan.....	"	508	475	76 20	584 20
James T. Dunlap.....	"	508	220	35 20	543 20
James W. Duncan.....	"	508	590	94 40	602 40
F. T. Estill.....	"	508	170	27 20	535 20
John Eubank.....	"	508	76	12 16	520 16
Hugh B. Flippin.....	"	508	100	16 00	524 00
John A. Fuson.....	"	508	110	17 60	525 60
Presley T. Glass.....	"	508	260	41 60	559 60
A. Goodrich.....	"	508	160	25 60	533 60
W. W. Greer.....	"	508	490	78 40	586 40
Franklin Hardeman.....	"	508	46	7 36	515 36
Obed F. Hendrick.....	"	508	275	44 00	552 00
John S. Herron.....	"	508	300	48 00	556 00
C. T. P. Jaragin.....	"	508	450	72 00	580 00
W. A. Jones.....	"	508	432	69 12	577 12
William R. Kenner.....	"	508	150	24 00	532 00
King Kerley.....	"	508	96	15 36	523 36
Joseph E. Manlove.....	"	508			508 00
Barkley Martin.....	"	508	84	13 44	521 44
James M. McCalla.....	"	508	370	59 20	567 20
William McDaniel.....	"	508	528	84 48	592 48
Coleman A. McDaniel....	"	508	150	24 00	532 00

REPRESENTATIVES.

Representatives Names.	No. of Days	Amount.	Miles travelled.	Amount of Mileage.	Total Amount.
E. P. McGinty, ...	127	\$508	90	\$14 40	522 40
Jacob Miller, ...	"	508	548	87 68	595 68
T. C. H. Miller, ...	"	508	80	12 80	520 80
Jabez G. Mitchell, ...	"	508	176	29 16	537 16
Samuel B. Moore, ...	"	508	110	17 60	525 60
Caleb Moore, ...	"	508	300	48 00	556 00
Adrain Northcutt, ...	"	508	180	28 80	536 80
Henry S. Norman, ...	"	508	72	11 52	519 52
James Orme, ...	"	508	250	40 00	548 00
Felix Parker, ...	"	508	280	44 80	552 80
W. W. Pepper, ...	"	508	50	8 00	516 00
Edwin Polk, ...	"	508	340	54 40	564 40
Moses H. Purvines, ...	"	508	314	50 24	558 26
John Ramsey, ...	"	508	330	52 80	560 80
David Rankin, ...	"	508	220	35 20	543 20
J. C. Robinson, ...	"	508	28	4 48	512 48
James A. Rogers, ...	"	508	350	56 00	564 00
A. S. Rogers, ...	"	508	180	28 80	536 80
Hardin P. Shannon, ...	"	508	494	79 04	587 04
Thomas W. Shearon, ...	36	144	40	6 40	150 40
Daniel Smith, ...	127	508	232	37 12	545 12
E. S. Smith, ...	"	508	80	12 80	520 80
James H. Stewart, ...	"	508	320	51 20	559 20
James Warren, ...	"	508	282	45 12	553 12
John W. Wester, ...	"	508	320	51 20	559 20
John F. White, ...	"	508	532	85 12	593 12
James A. Whiteside, ...	"	508	260	41 60	549 60
R. A. L. Wilkes, ...	"	508	100	16 00	524 00
Samuel W. Williams, ...	"	508	622	99 52	607 52
John Williams, ...	"	508	400	64 00	572 00
Benjamin Williams, ...	"	508	108	17 28	525 28
William H. Wisener, ...	"	508	110	17 60	525 60
Archibald Wright, ...	"	508	140	22 40	530 40
James Wyly, ...	"	508	170	27 20	535 20
F. Buchanan, <i>Speaker</i> , ..	"	508	150	24 00	786 00

JOHN D. TYLER,

Chairman on the part of the Senate.

D. RANKIN,

Chairman on the part of the House.



MEMORIALS AND RESOLUTIONS.

NUMBER I.

Resolutions approving of Mr. A. Whitney's plan of a Rail Road to connect the Atlantic and Pacific Oceans.

Whereas, The construction of a Rail Road across the Continent of North America, would make the United States the great highway between Europe and the populous and wealthy Empires of Asia—would greatly facilitate our own intercourse with these regions—would tend to consolidate our union—would connect and bind Oregon and the Pacific coast to us, and would give a fresh impulse to our great Agricultural, Manufacturing, and Commercial interests. *And, whereas*, this stupendous work can be accomplished, and the public lands constitute a fund appropriate for defraying the expenses of such an undertaking—as a small part of them would furnish the means, and the value of the remainder would be greatly enhanced thereby—*And, whereas*, the plan of Mr. Asa Whitney of New York, in its great outlines, is, in our opinion, the only practicable scheme for the accomplishment of this great undertaking, which should be commenced as soon as practicable. Therefore,

Resolved by the General Assembly of the State of Tennessee, That they approve of Mr. Whitney's plan, as explained by himself to them, of constructing a Rail Road from Lake Michigan to the Pacific Ocean, from an appropriation of the public lands on its line, connecting the sale and settlement of the lands with the building of the road, making it an individual enterprise, still under the control of Congress, and can earnestly recommend its adoption and the measure to the early and favorable consideration and action of Congress.

2. *Resolved*, That the Senators and Representatives of this State in Congress, be, and they are hereby requested to give this measure their prompt attention and support.

3. *Resolved*, That His Excellency the Governor, be, and he is hereby requested to transmit a copy of these Resolutions to the Executive of each State in the Union, and a like copy to the Senators and Members of the

House of Representatives from this State in the Congress of the United States.

F. BUCHANAN,
Speaker of the House of Representatives.

J. M. ANDERSON,
Speaker of the Senate.

Passed, December 1, 1847.

NUMBER II.

Resolution asking the right of way from Georgia for the Nashville and Chattanooga Railroad, and for other purposes.

Whereas, The General Assembly of the State of Tennessee has passed an act incorporating a company to construct a railroad from Nashville to Chattanooga, designed to connect at the latter place, with the great line of railroad, extending to the Southern Atlantic coast; *And whereas*, From partial reconnoissances and surveys, which have been made, the route believed to be most favorable for the road crosses the southern boundary line of the State, and for some distance passes through the territory of the State of Georgia; *And whereas*, The construction of the Nashville and Chattanooga Railroad in a great degree depends upon the early completion by Georgia of her State road to the Tennessee river, which would bring that work within the territory and jurisdiction of Tennessee, the right and privilege of doing which has been granted to Georgia by this State; *And whereas*, The accomplishment of both of these great works of Internal Improvement, believed to be alike beneficial to both States, may, in a great degree, depend upon the reciprocal legislation of the two States, by which the rights and privileges to be enjoyed and exercised by each, within the jurisdiction of the other, may be placed upon a just and permanent basis; Therefore,

Resolved, by the General Assembly of the State of Tennessee, That the Legislature of the State of Georgia be requested to grant to the Nashville and Chattanooga railroad company, the privilege of surveying, locating, and constructing their road, and of establishing any necessary ware houses, depots &c. thereon, from a point on the State line, in Dade county, near the head of Running-water Creek; thence through said county of Dade, by John B. Perkins, and down Lookout Valley, recrossing the State line in said Valley, with such protec-

tion to the rights and property of the company, and under such restrictions as that Legislature may deem it expedient to prescribe.

Resolved, That James A. Whiteside be appointed an agent to proceed to the Georgia Legislature, now in session, to solicit the right of way herein before indicated for the Nashville and Chattanooga rail road, and to confer with the authorities of that State, upon the subject of the reciprocal legislation which should be adopted by the two States, to make effectual the rights and privileges conferred by them respectively.

F. BUCHANAN,

Speaker of the House of Representatives.

J. M. ANDERSON,

Speaker of the Senate.

Passed, November 29, 1847.

NUMBER III.

A Resolution directory to the Secretary of State, to distribute to certain officers of Hancock county a copy of Caruthers and Nicholson's revised statutes of the State of Tennessee.

Resolved by the General Assembly of the State of Tennessee, That the Secretary of State be directed to purchase, and furnish to each of the county officers of Hancock county, hereinafter named, one copy each of Caruthers and Nicholson's revision of the laws of this State, that is to say, one copy to each Justice of the Peace, one copy to the Sheriff, one copy to the Circuit Court Clerk, one to the County Court Clerk, one to the County Surveyor, one to the Register, one to the Ranger, one to the Entry Taker, one to the Trustee, and one to the Coroner, and that the Secretary of State be directed to contract for the distribution of the same, in such manner as shall be most to the interest of the State.

Resolved, That it shall be the duty of the above named officers, when going out of office to hand over to the County Court Clerk, the copies in their hands.

F. BUCHANAN,

Speaker of the House of Representatives.

J. M. ANDERSON,

Speaker of the Senate.

Passed, February 4, 1848.

NUMBER IV.

Resolution directory to the Comptroller of the Treasury for the benefit of Jas. S. Brackin, John J. Hinton, C. D. Anderson, and James L. McDonald.

Resolved, by the General Assembly of the State of Tennessee, That the Comptroller of the Treasury, refund to James S. Brackin, collector of revenue in Sumner county, the commissions on the State revenue for 1845, collected by him in said county; which commissions were retained by the Comptroller, because the revenue aforesaid was not paid over as required by law.

2d. *Resolved,* That the Comptroller also allow John J. Hinton, collector of Davidson county, his commissions on the State revenue collected by him for 1846, which commissions were retained by the Comptroller because the revenue aforesaid was not paid over as required by law.

3d. *Resolved,* That the Comptroller of the Treasury allow to C. D. Anderson, late sheriff of Blount county, his commissions on State revenue collected by him for 1844, which commissions were retained by the Comptroller of the Treasury, because the revenue aforesaid was not paid over, as required by law.

4th. *Resolved,* That the Comptroller of the Treasury also allow to James L. McDonald, late sheriff of Madison county, his commissions on the State revenue collected by him for 1845, which commissions were retained by the Comptroller because the revenue aforesaid was not paid over as required by law.

F. BUCHANAN,

Speaker of the House of Representatives.

J. M. ANDERSON,

Speaker of the Senate.

Adopted, February 4, 1848.

NUMBER V.

A Resolution requiring information of the President of the Bank of Tennessee.

Resolved, by the General Assembly of the State of Tennessee, That the president of the Bank of Tennessee is hereby required to make out and report to the next Legislature, in tabular form, the names of the bank and branches, the nett profits of said bank and branches re-

spectively, each year; from the establishment of the bank to the first of October, 1849; the actual and real amount of capital stock in each, and the per cent made thereon by each; the actual amount of capital of said bank and branches, on the first day of January, of each and every year, from the time of its establishment, to the time the report is made; the actual profits of said bank and branches on the first day of January of each year from its establishment; the average aggregate amount of its actual capital, for the whole period of its existence; the average annual profits made on the actual capital; the aggregate expenses of its administration; the aggregate sums invested in banking houses; the aggregate amount of the contingent fund used by the bank; the sums drawn from the treasury, to aid her to meet her liabilities; the amount of bad and doubtful debts, and where and at what time made; the aggregate amount of her capital, which has been withdrawn, and used, and for what purposes.

Resolved further, That the president of the bank report to the next Legislature, the amount of interest paid semi-annually by the bank on State bonds, with the expense and exchange in liquidating the same; amount of State bonds, upon which such interest has been paid at the different periods; probable amount necessary to meet accruing interest on State bonds for the ensuing two years after the report is made; probable amount of bank profits for the same period.

F. BUCHANAN,

Speaker of the House of Representatives.

J. M. ANDERSON,

Speaker of the Senate.

Adopted, February 5, 1848.

NUMBER VI.

A Resolution of instruction to our Senators in Congress, in relation to horses lost by Volunteers in the United States service in the Mexican War.

Resolved, by the General Assembly of the State of Tennessee, That our Senators in Congress be instructed, and our Representatives requested, to procure the passage of an act providing for the payment, by the United States, of the value of horses and equipments lost by volunteers in the service of the United States in the Mexican war, as follows, to wit:

1. Horses dying for want of forage.
2. Stolen from Mexicans in the enemy's country.
3. Taken from the owners, and appropriated to the service of the United States, by authority of United States officers, whereby the owners were deprived of their use, &c.
4. Lost in transportation from Tampico to Vera Cruz, or in the landing at Vera Cruz.
5. Compensation for the use of horses, of which the owners were deprived by the order of the United States officers, whereby the volunteer lost his horse, as well as the pay of a mounted man, and was reduced to the rank of infantry.

Resolved, That the Governor of this State be requested to transmit a copy of the foregoing resolution to each of our Senators and Representatives in Congress.

F. BUCHANAN,

Speaker of the House of Representatives.

J. M. ANDERSON,

Speaker of the Senate.

Adopted, January 21, 1848.

NUMBER VII.

A Resolution relating to the service of Captains Gillespie, Peake, Vernon and Rogers, with their companies, as Mounted Volunteers in the service of the United States, in the year 1836.

Whereas, In July, 1836, the companies of Captains Gillespie, Peake, Vernon and Rogers, were taken into the service of the United States by authority of the War Department, to serve twelve months as Mounted Volunteers, unless sooner discharged;

And whereas, In November, 1836, the Commanding General ordered said Volunteers to return to their homes, and there wait the further orders of the President of the United States, or the Commanding General, without pay;

And whereas, the Secretary of War decided said volunteers to be under an indefinite furlough, and as such were entitled to their pay and rations until discharged.

And whereas, Under decisions of the Paymaster General, the second Comptroller of the Treasury, and the Secretary of War, the *per diem* and forage of the horses of said volunteers, while under said indefinite furlough have been withheld—Therefore be it

Resolved by the General Assembly of the State of Tennessee, That the Government of the United States should allow to the said volunteers such compensation for their time, trouble, expenses, and losses, while under such indefinite furlough, or in the actual service of the United States, as may be deemed just, equitable and right.

And whereas, A number of horses were lost to the volunteers under General Armstrong and Major Lauderdale by want of forage, and fatigue, and by straying off and being abandoned, and no provision having been made for that class of losses; such compensation is asked for their time, trouble, and expenses for themselves and horses, as may be deemed just, equitable and right.

F. BUCHANAN,

Speaker of the House of Representatives.

J. M. ANDERSON,

Speaker of the Senate.

Passed, February 1, 1848.

NUMBER VIII.

A Resolution instructing our Senators in Congress, to vote for an increase of the pay of the privates in our army in Mexico.

Whereas, in the opinion of this General Assembly, the private soldiers of the American army, now engaged in the existing war with Mexico, are not paid as much as their services and perils are worth—Therefore,

Resolved by the General Assembly of the State of Tennessee, That our Senators in Congress be instructed, and our Representatives be requested, to vote for an increase of the pay of the private soldiers engaged in the existing war with Mexico, to at least ten dollars per month; as well those who have been and now are engaged in said service, as those who may hereafter engage in it. Said increased compensation to cease with the return of peace.

Resolved, That the Governor be requested to forward a copy of the foregoing resolution to each of the Senators and Representatives in the Congress of the United States, from the State of Tennessee.

F. BUCHANAN,

Speaker of the House of Representatives.

J. M. ANDERSON,

Speaker of the Senate.

Adopted, February 6, 1848.

NUMBER IX.

Resolution directory to the Comptroller of the Treasury:

Resolved by the General Assembly of the State of Tennessee, That the Comptroller of the Treasury issue his warrant to Frederick S. Heiskell, for the sum of three thousand eight hundred and thirty-eight dollars, being two thousand three hundred and ninety-nine dollars for loss sustained by him in the publication of Haywood & Cobb's Revisal of the laws of the State, in the year 1836, and interest thereon for ten years.

F. BUCHANAN,

Speaker of the House of Representatives.

J. M. ANDERSON,

Speaker of the Senate.

Adopted, January 21, 1848.

NUMBER X.

A Resolution directory to the Comptroller of the Treasury, in relation to a settlement with Abraham Tipton, Sheriff of Carter county.

Resolved by the General Assembly of the State of Tennessee, That the Comptroller of the Treasury, be, and he is hereby authorized to adjust and settle the account of Abraham Tipton, Sheriff of Carter county, for the year 1839, giving him all the credits that he is entitled to, at the time his claims were due, agreeable to equity and justice, and report to this General Assembly, the amount due the State, if any, if none the amount the State owes the said Abraham Tipton.

Resolved, That the County Court of Jefferson county be authorized to allow to Stephen A. Hall out of the county Treasury, such compensation for his trouble and expense in collecting the county revenue, and ascertaining the amount of the Sheriff's collections of the same, as in their discretion they may think proper.

F. BUCHANAN,

Speaker of the House of Representatives.

J. M. ANDERSON,

Speaker of the Senate.

Passed, January 24, 1848.

NUMBER XI.

Resolution directory to the Comptroller of the Treasury, for the benefit of the securities of the Joseph G. Dickson.

Resolved by the General Assembly of the State of Tennessee, That the Comptroller of the Treasury be authorized to refund to the securities of Joseph G. Dickson, tax collector for the county of Rutherford, for the year 1846, the commissions which the said Dickson would have been entitled to, if he had paid the taxes over according to law, in a settlement to be made by them with said Comptroller.

F. BUCHANAN,

Speaker of the House of Representatives.

J. M. ANDERSON,

Speaker of the Senate.

Adopted, December 22, 1847.

NUMBER XII.

Resolution directory to the Comptroller of the Treasury.

Resolved by the General Assembly of the State of Tennessee, That the Comptroller be authorized and directed, to cause a motion to be made upon the bond of the former Treasurer of East Tennessee, who received in trust, for the benefit of the heirs of Walter Sims, the proceeds of land entered in Sims' big survey, in Hawkins county, for the recovery of such portion of said revenue as has not been paid over to said heirs, and which has been directed to be paid to them out of the Treasury of the State.

F. BUCHANAN,

Speaker of the House of Representatives.

J. M. ANDERSON,

Speaker of the Senate.

Adopted, February 5, 1848.

NUMBER XIII.

Resolution directory to the Comptroller of the Treasury.

Resolved by the General Assembly of the State of Tennessee, That the Comptroller of the Treasury be authorized to audit the amount of revenue collected by W. J. Givón, clerk of the circuit court of DeKalb county, for the year ending 1st September, 1847, upon the sworn statement of the county revenue commissioners of said county.

F. BUCHANAN,

Speaker of the House of Representatives.

J. M. ANDERSON,

Speaker of the Senate.

Adopted, January 31, 1848.

NUMBER XIV.

Resolution releasing the securities of Thomas O. Porter, former Sheriff of Giles county.

Whereas, It appears that a judgment was rendered against Thomas C. Porter, Sheriff and Collector of the county of Giles, and Daniel Goodman, John B. Rogers, David W. Porter, William C. Mayfield, Richard H. Allen, Samuel S. Smith, Richard Briggs, Annanias Oliver, Peter Swanson, Robert Oliver, and Robert McLaurine, his securities on the 12th June, 1835, in the Circuit Court of Davidson county, for the sum of \$1406,-52, State revenue for 1834; and also that judgment was rendered against said Sheriff in said court, and John Porter, John Buchanan, Richard Allen, Annanias Oliver, Nathaniel G. Nyle, Robert Yarborough, and Robert Oliver, his securities on the 20th December 1834, for the sum of \$1545 82, for State revenue for the year 1833; and it also appearing by the report of a joint select committee of the Legislature, that said judgments have been paid;

Be it therefore resolved, That said securities be released from all liability on account of said judgments.

F. BUCHANAN,

Speaker of the House of Representatives.

J. M. ANDERSON,

Speaker of the Senate.

Adopted, December 21, 1847.

NUMBER. XV.

Resolution relating to the brick office on Capitol Hill.

Resolved by the General Assembly of the State of Tennessee, That the brick office on the public ground, situated in front of the capitol, be, and the same is hereby placed under the control and in charge of the commissioners for superintending the construction of the capitol for the time being, to be used for purposes connected with the progress of the work, and for no other purpose. And that the Comptroller and Treasurer of the State, may occupy offices in the upper story of the bank house.

F. BUCHANAN,

Speaker of the House of Representatives.

J. M. ANDERSON,

Speaker of the Senate.

Adopted, January 21, 1848.

NUMBER XVI.

A Resolution for the relief of Charles J. Price, sheriff of Bradley county.

Resolved by the General Assembly of the State of Tennessee, That the Comptroller be, and he is hereby required to issue his warrant to Charles J. Price, for the sum of thirty-five dollars and fifty-seven cents, for commissions on the State tax for 1846, and also for the sum of twenty dollars and ninety-nine cents, which he claims, and is entitled to on account of insolvencies for 1846.

F. BUCHANAN,

Speaker of the House of Representatives.

J. M. ANDERSON,

Speaker of the Senate.

Passed, February 1, 1848.

NUMBER XVII.

Resolution appointing James C. Moses a Trustee in East Tennessee University.

Resolved by the General Assembly of the State of Tennessee, That James C. Moses, of the county of Knox, be appointed a Trustee of the East Tennessee University, in place of William Park, deceased.

F. BUCHANAN,

Speaker of the House of Representatives.

J. M. ANDERSON,

Speaker of the Senate.

● Adopted, December 1, 1847.

NUMBER XVIII.

Resolution tendering the thanks of the Legislature to J. W. & W. I. Jones, for 100 copies of the Southern Cultivator.

Resolved, That the thanks of the Legislature be, and they are hereby presented to Messrs. J. W. & W. I. Jones, for 100 copies of the "Southern Cultivator" furnished the members thereof, and that a copy of this resolution (postage paid) be transmitted to said J. W. & W. I. Jones.

F. BUCHANAN,

Speaker of the House of Representatives.

J. M. ANDERSON,

Speaker of the Senate.

Adopted, January 21, 1848.

NUMBER XIX.

Resolution rescinding Resolution, No. 20, passed at the last session of the General Assembly, directory to the Attorney General of the State.

Resolved by the General Assembly of the State of Tennessee, That the Resolution No. 20, passed at the last General Assembly, directory to the Attorney General for the State, be and the same is hereby rescinded.

F. BUCHANAN,

Speaker of the House of Representatives.

J. M. ANDERSON,

Speaker of the Senate.

Adopted, February 5, 1848

NUMBER XX.

Resolution directory to the Governor of Tennessee.

By an act of the General Assembly of Tennessee, passed the 20th of January, 1844, making it the duty of the Governor of Tennessee to appoint two commissioners to meet two commissioners on the part of Kentucky, to run and re-mark the State line between Tennessee and Kentucky, said commissioners performed the duty assigned to them; and made their report to the last General Assembly of this State, then in session, which report was concurred in, but Kentucky has taken no action thereupon:—Therefore,

Be it resolved by the General Assembly of the State of Tennessee, That the Governor of Tennessee be requested to correspond with the Governor of Kentucky, asking action on the part of Kentucky, upon said report, and the communication thereof to the Governor of Tennessee, so that the same may be laid before this General Assembly.

F. BUCHANAN,

Speaker of the House of Representatives.

J. M. ANDERSON,

Speaker of the Senate.

Adopted, January 11, 1848.

NUMBER XXI.

Resolution providing, that the county of Cannon, heretofore attached to the Shelbyville Bank District, be attached to the Nashville Bank District.

Resolved by the General Assembly of the State of Tennessee, That the county of Cannon, heretofore attached to the Shelbyville Bank District, be hereafter attached to the Nashville Bank District, and that said county be entitled to, and receive such accommodations at the Principal Bank as is common to other counties attached to the Bank District of Nashville,

F. BUCHANAN,

Speaker of the House of Representatives.

J. M. ANDERSON,

Speaker of the Senate.

Adopted, October 22, 1847.

NUMBER XXII.

Resolution directory to the Treasurer of the State, requiring him to pay on the warrant of the Comptroller, certain monies therein named to George R. Powell.

Whereas, on the 17th day of February, 1847, F. K. Zollicoffer, Comptroller of the Treasury, issued his warrant to George R. Powell, clerk of the circuit court of Hawkins county, for the payment out of the Treasury of certain costs therein named, amounting to ninety-seven dollars and sixty-three cents, the same being numbered 8,850, and forwarded the same to the address of said Powell, Rogersville, Tennessee, by mail, and the said warrant having been lost, so that the same has never been paid to said Powell:—Therefore,

Resolved by the General Assembly of the State of Tennessee, That the Treasurer of the State pay said Powell the said sum of ninety-seven dollars and sixty-three cents, and for which the Comptroller is directed and required to issue a second warrant; after the Bank of Tennessee shall notify every one of its branches not to take in, or to pay said lost warrant, No. 8,850; and after it shall receive information from said branches, and shall communicate the same to the Comptroller, that said lost warrant has not been received or paid.

F. BUCHANAN,

Speaker of the House of Representatives.

J. M. ANDERSON,

Speaker of the Senate.

Adopted, December 21, 1847.

NUMBER XXIII.

A Resolution to alter the fourth section of the tenth Article of the Constitution of the State of Tennessee.

Resolved by the General Assembly of the State of Tennessee, That the fourth section of the tenth article of the Constitution of the State of Tennessee be so altered, that a new county may be formed out of a portion of the territory now composing the counties of Haywood, Madison, Gibson and Dyer; and that a new county may be formed out of a portion of the territory, now composing the counties of McNairy and Hardeman; and also, that a new county may be formed out of that por-

tion of Obion county, that lies west of Reelfoot Lake, on the Mississippi river; and that a new county may be formed out of a portion of the territory of White, Warren and Bledsoe, running the lines as the county lines of Van Buren now run; and that a new county may be formed out of fractions of the counties of Washington, Sullivan, Hawkins and Greene, by the name of the county of Powell, as heretofore attempted under the act of 1837-8, chapter 192; which new counties may consist of less than three hundred and fifty square miles, and the lines of said new counties may run nearer than twelve miles to the county seats of said old counties; and said old counties may be reduced below six hundred and twenty-five square miles; and that the constitutional exception respecting the counties of Marion and Bledsoe, as contained in the fourth section of the tenth article of the constitution, be repealed, so as to bring said counties of Marion and Bledsoe within the general provisions of the constitution respecting counties.

F. BUCHANAN,

Speaker of the House of Representatives.

J. M. ANDERSON,

Speaker of the Senate.

Passed, February 4, 1848.

NUMBER XXIV.

Resolution directing the payment of fifty dollars to John S. Evans, jailor of Rhea county, paid by him as a reward for the apprehension of James Thomas, a felon.

Resolved by the General Assembly of the State of Tennessee, That the Comptroller of the Treasury issue his warrant to John S. Evans, jailor of Rhea county, for fifty dollars, being the amount of a reward paid by him for the apprehension and delivery to him, of a certain James Thomas, a felon, committed to the jail of said county, and that said fifty dollars be paid out of any money in the Treasury not otherwise appropriated.

F. BUCHANAN,

Speaker of the House of Representatives.

J. M. ANDERSON,

Speaker of the Senate.

Adopted, February 4, 1848.

NUMBER XXV.

A Resolution for the benefit of Dr. John L. Yarnell of Hamilton county.

Whereas, It is represented to this General Assembly, that in the month of December last, the dwelling house of Doctor John L. Yarnell, of Hamilton county, was destroyed by fire, together with the furniture and effects contained in it; and amongst other things of value about the sum of three hundred dollars in notes on the Bank of Tennessee, to the Branch of which Bank at Athens; the said Yarnell is represented to be a debtor to the amount of about eight hundred and thirty-three dollars. Therefore,

Resolved, by the General Assembly of the State of Tennessee, Upon his making it appear by credible written testimony, taken on oath before the Judge of the third Circuit, that any amount of bills of the Bank of Tennessee and Branches was consumed by the fire at the burning of his house, it shall, on being satisfied of the loss, be the duty of the proper officer of the Branch Bank of Tennessee at Athens, to allow him a credit on his said debt for the amount so shown to have been consumed by the fire, to be entered at the date of the loss. *Provided*, that said Yarnell shall give the cashier or principal agent of the said Branch Bank five days written notice of the time and place of taking said testimony.

F. BUCHANAN,

Speaker of the House of Representatives.

J. M. ANDERSON,

Speaker of the Senate.

Adopted, January 28, 1848.

NUMBER XXVI.

Resolution of Joint Select Committee on Cumberland and Stones River Turnpike Company.

Resolved by the General Assembly of the State of Tennessee, That the Governor of the State of Tennessee appoint an agent to examine into the state and condition of the Cumberland and Stones River Turnpike Company, with authority to send for persons and papers, procure relinquishments of stock from individual stockholders, if they desire to make them, or institute such process against the company, as will compel them to finish the

road according to the charter, and do all such other things in the premises, as may be necessary to secure the interest of the State in said turnpike; and report the same to the Board of Internal Improvement of the State, who shall lay the same before the Legislature at its next regular session for action thereon. But if the report of the agent shall be such as to satisfy the Board of Internal Improvement, that the interest of the State requires an early completion of the road, then said board shall take such action upon the subject as may be necessary to complete the same, erect toll gates, receive toll, and do such other things as may be necessary to secure the interest of the State.

F. BUCHANAN,

Speaker of the House of Representatives.

J. M. ANDERSON,

Speaker of the Senate.

Adopted, February 5, 1848.

NUMBER XXVII.

Resolution directory to the Comptroller of the Treasury in relation to the bequest of Spencer T. Hunt.

Resolved by the General Assembly of the State of Tennessee, That the Comptroller of the Treasury be authorized and directed, at as early a day as practicable, to execute so much of the bequeathment of Spencer T. Hunt, late of the county of Humphreys, as gives and devises to the Comptroller of the Treasury, and his successors in office, to the use and benefit of the common school fund of the counties of Dickson and Humphreys, a portion of his real and personal estate.

2. *Resolved,* That the said Comptroller proceed to collect and invest in bonds of the State of Tennessee, the funds arising from the sale of said estate, and that he place said bonds in the Bank of Tennessee, in the name of said Comptroller, for the use of the common school fund of the counties of Dickson and Humphreys aforesaid, taking a receipt therefor, which receipt shall be filed with a copy of the will of said Spencer T. Hunt, in the office of the Comptroller of the Treasury.

3. *Resolved,* That the interest semi-annually accruing upon said bonds of the State be paid into the Treasury of the State upon the warrant of the Comptroller, and that the same be annually apportioned and paid out of

the said Treasury of the State, to the county trustees of the counties of Dickson and Humphreys, as other distributive common school moneys of the State are paid, to be by said county trustees paid to the orders of the common school commissioners of the said counties of Dickson and Humphreys, the whole to be apportioned and paid according to scholastic population in the two counties, and to be applied by said commissioners as other common school moneys are applied.

4. *Resolved*, That receipts shall be given and taken by all concerned in the management of the fund arising from this devise and bequest; and that bonds, in double the amount of the moneys to be received, with sufficient security, shall be annually executed by said county trustees, and the same certified to the Comptroller by the clerk of the County Court, before said moneys are paid out of the Treasury of the State.

5. *Resolved*, That said Comptroller be authorized to charge upon said funds all necessary expenses incurred in the process of collecting the said funds into the Bank of Tennessee, as above directed, and that he report a precise account of the same, and all facts showing how he has discharged the duty herein required, to the next General Assembly of Tennessee.

F. BUCHANAN,

Speaker of the House of Representatives.

J. M. ANDERSON,

Speaker of the Senate.

Adopted, January 31, 1848:

NUMBER XXVIII.

Resolution to distribute Nicholson's Supplement to the Compilation of the Statutes by Caruthers and Nicholson.

The Joint Select Committee, to whom was referred the resolution No. 69, to take into consideration the expediency of distributing Nicholson's Supplement to the Compilation of the Statutes by Caruthers and Nicholson, have examined the subject, and directed me to report; that they think it expedient to distribute said Supplement to the justices of the peace and circuit and county court clerks, county registers, entry-takers and surveyors of the State; and for that purpose recommend the adoption of the following resolution:—

Resolved by the General Assembly of the State of Tennessee, That the Secretary of State contract with the proprietors of said Supplement for the delivery to the clerks of the county courts in each county in the State, of a sufficient number of copies of said Supplement; to furnish one to each justice of the peace, in each of said counties, and one to each of the clerks of the circuit and county courts, county trustees, registers, entry-takers, and surveyors; the same to be furnished at a price not exceeding one dollar and fifty cents, and to include the acts of the present session of the General Assembly, of a general nature, and also any acts of a general nature of previous sessions, that may have been omitted.

F. BUCHANAN,

Speaker of the House of Representatives.

J. M. ANDERSON,

Speaker of the Senate.

Adopted, January 14, 1848.

NUMBER XXIX.

A Resolution containing the appointment of commissioners to settle with Robert H. McEwen, late Superintendent of Public Instruction.

Resolved by the General Assembly of the State of Tennessee; That Andrew Ewing, Dr. John Waters, Nicholas Hobson, and the Hon. Morgan W. Brown, be continued commissioners to settle with Robert H. McEwen, late Superintendent of Public Instruction, the matters in controversy in a suit depending in the Supreme Court at Nashville, in the name of James K. Polk, late Governor of the State, and others, against the said Robert H. McEwen and his securities; which case they shall settle, as they may deem right and just, between the State and said McEwen; and the decision of said commissioners, or a majority of them, shall be the judgment of the court in the premises. *Provided,* That the award of such arbitrators shall not be made the judgment of the court, unless said McEwen, shall, to the satisfaction of the court, secure the payment of any amount which may be found against him.

Resolved, That if either of said commissioners shall be unable, or should decline to act, the Governor of the State is hereby authorized to appoint another commissioner or commissioners, in the place of such as may be unable, or decline to act.

Resolved, further, That the Comptroller of the Treasury, be, and he is hereby added to the number of commissioners, to settle with the said R. H. McEwen.

F. BUCHANAN,

Speaker of the House of Representatives.

J. M. ANDERSON,

Speaker of the Senate.

Adopted, February 5, 1848.

NUMBER XXX.

Resolution for the relief of John J. Williams, Entry Taker of Hardin county.

Whereas, An act passed the 30th day of January, 1846, appropriating five hundred dollars to Hardin county, for the purpose of meandering the Tennessee river, and making a plan of said county; *and whereas*, the commissioners appointed by said act to contract for said plan, did employ one Henry A. Brown, for the sum of four hundred dollars, to meander said river and make said plan; *and whereas*, said act required said commissioners to procure two competent surveyors to examine said plan, and certify that it was correct, before the undertaker could draw the money from the Entry Taker of Hardin county, whose duty it was to pay the same on said certificate; *and whereas*, the said commissioners employed George D. Morrer and E. H. Shelton, to examine said plan, for which the commissioners agreed to give them one hundred dollars; *and whereas*, the said commissioners gave a certificate to John J. Williams, Entry Taker for said county of Hardin, to pay said Brown four hundred dollars, and to George D. Morrer and E. H. Shelton one hundred dollars, which the said Williams has paid; *and whereas*, the Comptroller of the Treasury allowed said Williams the four hundred dollars paid to said Brown, but refused to pay the one hundred dollars allowed by the commissioners to the said Morrer and Shelton, on the account of believing that the said act was not explicit enough to authorize the payment of the said one hundred dollars.—Therefore,

Resolved, by the General Assembly of the State of Tennessee, That the Comptroller of the Treasury allow said Williams, the sum of one hundred dollars so paid by

him as aforesaid, to the said George D. Morrer and E. H. Shelton, and that he issue his warrant accordingly.

F. BUCHANAN,

Speaker of the House of Representatives.

J. M. ANDERSON,

Speaker of the Senate.

Adopted, December 21, 1847.

NUMBER XXXI.

Resolution of thanks to Miss D. L. Dix.

Resolved by the General Assembly of the State of Tennessee, That the thanks of this General Assembly, and of the people of Tennessee, are due, and are hereby most respectfully tendered to Miss D. L. Dix, for her very valuable efforts bestowed on a project to establish an Institution for the better security, comfort and improvement of those unfortunate classes of our community, known as idiots and lunatics; and that her disinterested benevolence, sublime charity, and unmixed philanthropy, challenge alike the gratitude and admiration of our State.

F. BUCHANAN,

Speaker of the House of Representatives.

J. M. ANDERSON,

Speaker of the Senate.

Adopted, February 5, 1848.

NUMBER XXXII.

Resolution for the payment of interest on certain State Bonds.

Resolved by the General Assembly of the State of Tennessee, That the bonds of the State of Tennessee, belonging to the College in the Western Division of the State, at Jackson, shall be deposited in the Bank of Tennessee, and the interest shall be paid by the Bank semi-annually to the President and trustees of said Institution on the first of January and July in each year.

F. BUCHANAN,

Speaker of the House of Representatives.

J. M. ANDERSON,

Speaker of the Senate.

Adopted, January 31, 1848.

NUMBER XXXIII.

Resolution in relation to commissioners appointed to value the work done on the East Tennessee and Georgia Rail Road.

Resolved by the General Assembly of the State of Tennessee, That in case Luke Lea and David A. Deaderick, or either of them shall decline or fail to act as commissioners on behalf of the State of Tennessee, to value the work done on the East Tennessee and Georgia Rail Road, and to reduce the value of the capital stock paid in by said company, as provided by an act of Assembly, passed at the present session, then the Governor of this State is hereby authorized and required to appoint some other person or persons in the room and stead of such commissioners or commissioner, so declining or failing to act.

F. BUCHANAN,

Speaker of the House of Representatives.

J. M. ANDERSON,

Speaker of the Senate.

Passed, February 3, 1848.

NUMBER XXXIV.

Resolution directory to the Attorney-General of the 7th Judicial Circuit.

Resolved by the General Assembly of the State of Tennessee, That the Attorney General of the seventh Judicial Circuit be, and he is hereby directed to suspend the collection of a judgment in favor of the State against Bennet T. Bradley and his securities, obtained at the November term of the Circuit Court of Montgomery county, 1847, for twelve months, or until directed by the Comptroller of the Treasury, to enforce the collection thereof; *Provided,* the securities of the said Bennet T. Bradley shall agree in writing upon the records of said court in which said judgment was obtained, to said indulgence; *and provided further,* that nothing in this resolution shall be so construed as to release any lien upon the property or liability of said securities which now exist by said judgment.

F. BUCHANAN,

Speaker of the House of Representatives.

J. M. ANDERSON,

Speaker of the Senate.

Adopted, February 5, 1848.

NUMBER XXXV.

Resolution appointing a Trustee in the East Tennessee University..

Resolved by the General Assembly of the State of Tennessee, That James W. Campbell, be, and is appointed a Trustee in the East Tennessee University, in place of William B. A. Ramsey, who has removed.

F. BUCHANAN,

Speaker of the House of Representatives.

J. M. ANDERSON,

Speaker of the Senate.

Adopted, December 22, 1847.

NUMBER XXXVI.

Resolution for the benefit of James Shaw.

Resolved by the General Assembly of the State of Tennessee, That the trustee of the county of Greene, is hereby required, with the consent of the county court of Greene county, a majority of all the justices being present, to refund to James Shaw, of said county, the full amount of the fine, for which judgment was rendered up against him in the Supreme Court at Knoxville, September term, 1847, in the case of the State against the said James Shaw, on a charge of treating at an election for votes, in the character of candidate for constable.

F. BUCHANAN,

Speaker of the House of Representatives.

J. M. ANDERSON,

Speaker of the Senate.

Adopted, January 29, 1848.

NUMBER XXXVII.

Resolution for the relief of Fisher A. Hannum and E. Howard, revenue commissioners of Montgomery county.

Resolved by the General Assembly of the State of Tennessee, That the Comptroller of the Treasury, issue to Fisher A. Hannum, and E. Howard, a warrant for the sum of sixty dollars, as compensation for their services in settling with the clerk of the circuit court of Montgomery county, for the period of ten years, from 1836 to 1846, during which time his accounts have remained unsettled.

F. BUCHANAN,

Speaker of the House of Representatives.

J. M. ANDERSON,

Speaker of the Senate.

Adopted, January 29, 1848.

NUMBER XXXVIII.

Resolution, appropriating one hundred dollars to purchase books for the use of the convicts.

Resolved, by the General Assembly of the State of Tennessee, That the sum of one hundred dollars be, and the same is hereby appropriated, to be expended under the direction of the Inspectors of the State Penitentiary, for the purpose of purchasing suitable moral and religious books for the use of the convicts.

2d. It shall be the duty of the Superintendent to take care of said books, and to see that each convict is furnished with one on each Sabbath.

F. BUCHANAN,

Speaker of the House of Representatives.

J. M. ANDERSON,

Speaker of the Senate.

Adopted, February 5, 1848.

NUMBER XXXIX.

▲ Resolution directory to the Secretary of State in relation to the Journals of this General Assembly intended for distribution in East Tennessee

Resolved by the General Assembly of the State of Tennessee, That the Secretary of State, be, and he is hereby authorized to appoint an agent, at Knoxville, to examine, receive and receipt for that portion of the Journals of this General Assembly, intended for distribution in East Tennessee.

F. BUCHANAN,

Speaker of the House of Representatives.

J. M. ANDERSON,

Speaker of the Senate.

Adopted, February 7, 1848.

NUMBER XL,

Resolution directory to the Comptroller of the Treasury.

Resolved by the General Assembly of the State of Tennessee, That the Comptroller of the Treasury, be, and he is hereby directed to issue his warrant for the immediate payment of one hundred and sixty-nine dollars and seventy-five cents, to John Greer, in full of his account marked A, and dated 22d December, 1847.

F. BUCHANAN,

Speaker of the House of Representatives.

J. M. ANDERSON,

Speaker of the Senate.

Adopted, December 23d, 1847.

NUMBER XLI.

Resolution directory to the Treasurer of the State, in relation to the payment of the per diem of the members and officers of the twenty-seventh General Assembly of the State of Tennessee.

Resolved by the General Assembly of the State of Tennessee, That the Treasurer is directed to pay to the members and officers of the two Houses of the twenty-seventh General Assembly, the amount of their per diem, which at the time of their application for the same, may be found due to them according to law, and that their receipts shall be good vouchers for the Treasurer, in the settlement of his account.

F. BUCHANAN,

Speaker of the House of Representatives.

J. M. ANDERSON,

Speaker of the Senate.

Adopted, October 21, 1847.

NUMBER XLII.

Resolution directory to the Secretary of State, in relation to furnishing the reports of the Supreme Court, to the Clerk of the Circuit Court of Decatur county.

Resolved by the General Assembly of the State of Tennessee, That the Secretary of State be, and he is hereby required to furnish from his office or otherwise, if necessary, a full set of the reports of the decisions of the Supreme Court, to the clerk of the Circuit Court of Decatur county, for the use of said county, and that the Comptroller of the Treasury issue his warrant upon the certificate of the Secretary of State, for such sum as may be necessary to purchase such portion of said reports as cannot be furnished from the office of the Secretary of State.

F. BUCHANAN,

Speaker of the House of Representatives.

J. M. ANDERSON,

Speaker of the Senate.

Adopted, November 27, 1847.

NUMBER XLIII.

Resolution inviting Major General Zachary Taylor to visit the seat of Government of the State of Tennessee, during the present session of the General Assembly.

The representatives of the people of the State of Tennessee, in General Assembly convened, desirous of doing honor to the soldier, the general and patriot, who has won for his country imperishable renown by his wisdom and achievements in arms—desirous of testifying their respect for the man—their admiration of his virtues—their appreciation of his skill as a general, of his justice and kindness and benevolence to those under his command—wishing to do that in their legislative capacity which they feel, and which they felt as citizens at home, in common with their neighbors and friends—their constituents whom they now represent:

Resolved, That giving utterance to what they are sure will meet with the cordial response of the people of the State of Tennessee at large, as well as in accordance with their own wishes, do invite Major General Zachary Taylor to the seat of Government of the State of Tennessee, during the present session of its Legislature, in order that, as representatives of one of the sovereign States of the American Confederacy, they may testify to him personally, their respect and regard.

Resolved, That a copy of this preamble and resolutions be signed by the speakers respectively of the Senate and House of Representatives, and forwarded by the Governor immediately to General Taylor, with a request that he indicate, at as early a day as convenient, when it will suit him to visit Nashville.

Resolved, That we tender to the family of General Zachary Taylor our cordial congratulations, on the safe return to their midst of one so dear to them as a husband, a father and friend.

F. BUCHANAN,

Speaker of the House of Representatives.

J. M. ANDERSON,

Speaker of the Senate.

Adopted, December 14, 1847.

NUMBER XLV.

Resolution prescribing the number of Acts and Journals of the present General Assembly to be printed.

Resolved by the General Assembly of the State of Tennessee, That there be printed of the Acts of the present session of the Legislature for distribution, one copy for each justice of the peace, one copy for each sheriff, circuit court clerk, county court clerk, county surveyor, register, ranger, county trustee, entry-taker, and coroner. And that there be printed for distribution, one copy of the Journal of each branch of the Legislature for each civil district, as follows:—

Counties.	No. of Acts.	No. of Journals, each H.	Counties.	No. of Acts.	No. of Journals, each H.
Anderson	32	11	Hickman	35	12
Bledsoe	34	12	Humphreys	32	11
Blount	44	17	Haywood	36	13
Bradley	34	12	Hardeman	42	16
Bedford	50	19	Hardin	34	12
Benton	28	9	Henderson	46	18
Campbell	36	13	Henry	42	16
Carter	30	10	Jefferson	41	15
Claiborne	30	10	Johnson	26	8
Cocke	31	11	Jackson	48	18
Cannon	34	12	Knox	44	17
Coffee	30	10	Lincoln	62	25
Carroll	46	18	Lawrence	36	13
Davidson	60	25	Lewis	34	12
Dickson	32	11	Lauderdale	28	9
Decatur	34	12	Marion	34	12
DeKalb	40	14	McMinn	44	17
Dyer	38	14	Meigs	26	8
Fentress	28	9	Monroe	48	19
Franklin	38	14	Morgan	26	8
Fayette	42	15	Macon	30	10
Grainger	40	15	Marshall	41	15
Greene	50	20	Maury	61	24
Giles	47	17	Montgomery	40	15
Gibson	44	17	Madison	44	17
Grundy	30	10	McNairy	34	12
Hamilton	35	12	Overton	34	12
Hancock	28	9	Obion	38	14
Hawkins	39	14	Polk	26	8

Counties.	No. of Acts.	No. of Journals, each H.	Counties.	No. of Acts.	No. of Journals, each H.
Perry	38	14	Shelby	44	16
Rhea	26	8	Tipton	34	12
Roane	40	15	Van Buren	28	9
Rutherford	60	25	Washington	46	18
Robertson	40	15	White	40	15
Sevier	30	10	Wilson	62	25
Sullivan	40	15	Williamson	58	24
Smith	57	23	Wayne	36	13
Sumner	49	19	Warren	42	16
Stewart	34	12	Weakley	40	15
For each of the members of the Senate and of the House of Representatives one copy of the Acts, and one copy of the Journals of each House			100	100	
For each clerk of the Senate and House, one copy of the Acts, and one copy of each Journal			5	5	
For the office of Secretary of State			100	50	
For three Judges of the Supreme Court, four Chancellors, and fourteen Judges of the Circuit Court and two Judges of the Criminal Court			23		
For Clerks of the Supreme Courts, Chancery Courts and Criminal Courts			53		
For each Attorney General, one copy of the Acts			15		
For Treasurer and for Comptroller, one copy Acts each			2		
For each University and each College, one copy of the Acts			15		
For each State and Territory, and District of Columbia two copies of the Acts			62		

F. BUCHANAN,

Speaker of the House of Representatives.

J. M. ANDERSON,

Speaker of the Senate.

Adopted, January 12, 1848.

NUMBER XLV:

Resolution directory to the Comptroller of the Treasury, for the benefit of the heirs of Walter Sims.

Whereas, it appears from the report of the Comptroller, submitted to the General Assembly on the 11th day of October, 1847, that the State of Tennessee was indebted, after deducting all payments heretofore made to the heirs of Walter Sims, deceased, on the 16th day of May, 1843, in the sum of \$924 24, for lands sold in Sims' big survey, under a special act of this State, the proceeds of which was paid over to the Treasurer of East Tennessee;

And whereas, Walter Sims and Elizabeth Scudder children and heirs of the said Walter Sims, deceased, had, previous to the said 16th day of May, 1843, received their portion of the funds arising from the sale of said lands;

And whereas, Walter H. Sims and Boyd M. Sims are the only surviving heirs and children of John G. Sims, one of the children of the said Walter Sims, deceased, and Walter M. Sims, David W. Sims and Rebecca A. Sims, are the only heirs and children of David Sims, deceased, also a child of Walter Sims, deceased;

And whereas, also, It appears to this Legislature, that under the circumstances under which said land was sold, and conformably to the acts heretofore made in relation to the sale of these lands, that the children aforesaid, of the said John G. Sims, and of the said David Sims, should be paid the sum of \$924 24, with interest compounded from the said 16th day of May, 1843, up to the passage of this law:—Therefore,

Resolved by the General Assembly of the State of Tennessee, That the Comptroller of the Treasury, issue his warrant upon the Treasury of this State, in favor of the said Walter H. Sims and Boyd M. Sims, children of the said John G. Sims, deceased, for the sum of six hundred and five dollars and twenty-four cents; and that he also issue his warrant on the Treasury, in favor of the said Walter M. Sims, David W. Sims and Rebecca A. Sims, children of David Sims, deceased, for the like sum of six hundred and five dollars and twenty-four cents, upon said persons executing a release to the State of Tennessee of all their right, title and interest, in and to all the lands, the proceeds of the sale of which was paid

over, as before stated, to the Treasurer of East Tennessee.

F. BUCHANAN,

Speaker of the House of Representatives.

J. M. ANDERSON,

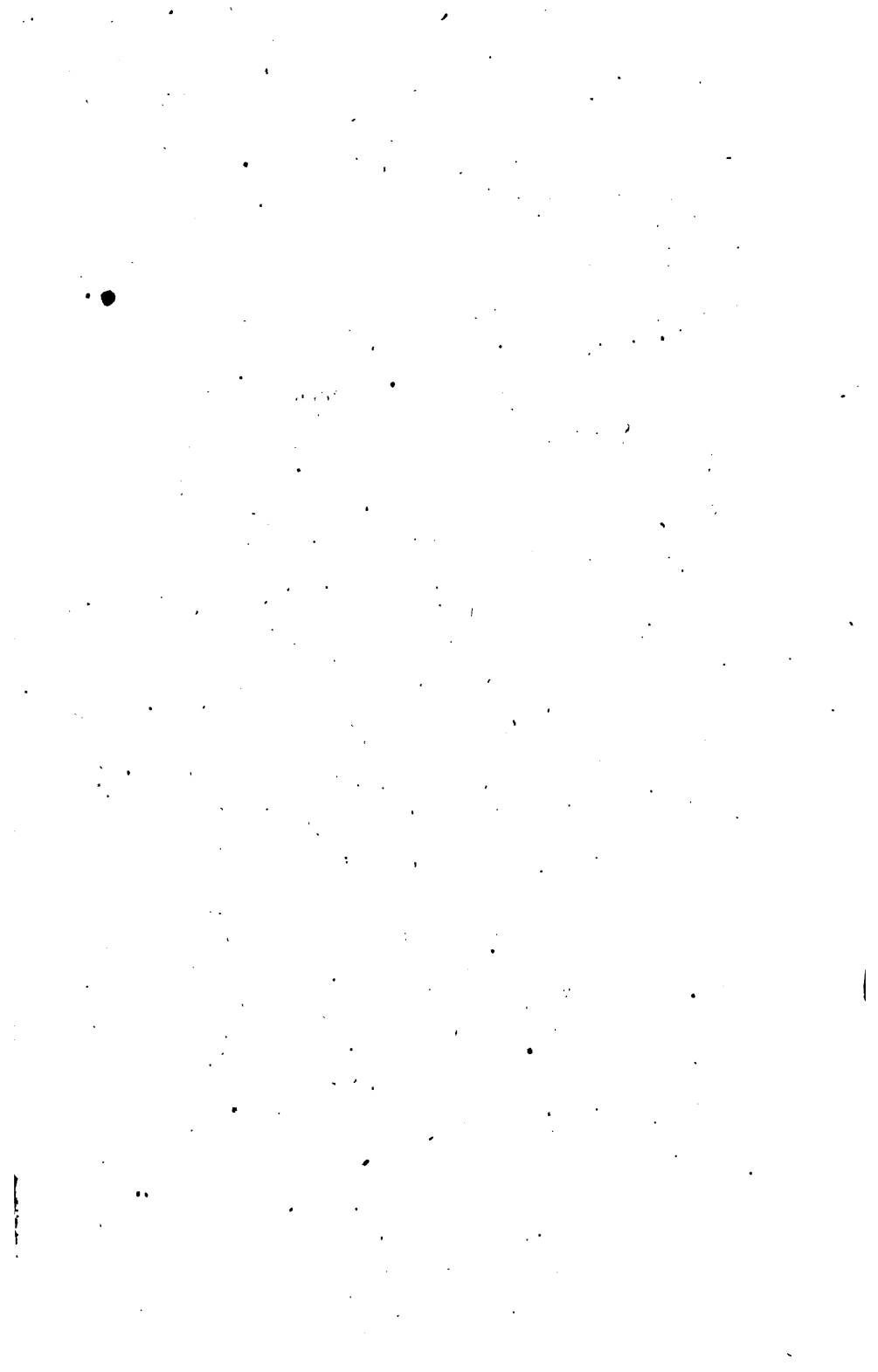
Speaker of the Senate.

Adopted, February 5, 1848.

SECRETARY OF STATE'S OFFICE, }
Nashville, March 21, 1848. }

I have carefully collated the foregoing Acts and Resolutions with the originals on file in my office, and find them correct copies.

W. B. A. RAMSEY,
Secretary of State.



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